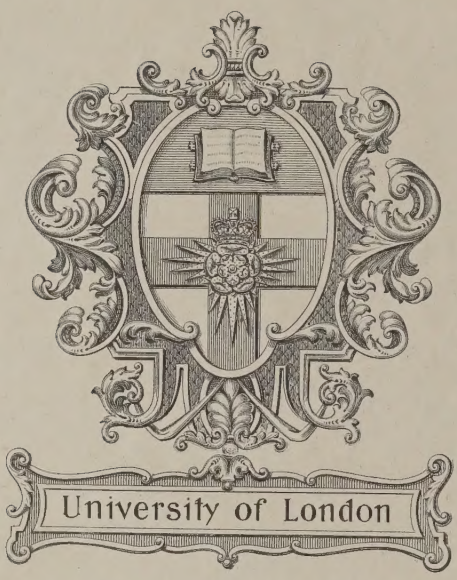
University of London

605334

B I L L S,

PUBLIC:

FOUR VOLUMES.

—(4.)—

PROBATES AND LETTERS OF ADMINISTRATION

TO

WILLS, &c. OF BRITISH SUBJECTS ABROAD.

Session

30 *April* —— 28 *August* 1857.

VOL. IV.

1857—Sess. 2.

B I L L S:

1857—Sess. 2.

FOUR VOLUMES:—CONTENTS OF THE

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8 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

INTITULED

An Act to amend the Law relating to Probates and Letters of Administration in England.

[*The Clauses, &c. printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in England should be exercised, in the Name of Her Majesty, by One Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned— Interpretation Clause.

"Will" shall comprehend "Testament" and all other Testamentary Instruments of which Probate may now be granted: "Will:"

"Administration:"

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes:

"Matters and Causes Testamentary:"

"Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration: 5

"Common Form Business."

"Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration. 10 15

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

III. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in England, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person. 20 25

Testamentary Jurisdiction to be exercised by a Court of Probate.

IV. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in England, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called the Court of Probate, and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in London or Middlesex as Her Majesty in Council shall from Time to Time appoint. 30 35

Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court.

V. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to appoint a Person, being or having been an Advocate of Ten Years Standing, or a Barrister-at-Law of Fifteen Years Standing, to be such Judge: Provided, that the Person who, at the Time of the passing 40

passing of this Act, may be the Judge of the Prerogative Court of Canterbury, shall be the First Judge of Her Majesty's Court of Probate.

VI. The Judge of the Court of Probate shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judge's Tenure of Office.

VII. Every Judge of the Court of Probate shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

Judge to take Oath.

'I A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate.

'So help me GOD.'

VIII. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts of Common Law at Westminster according to the Date of his Appointment, and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

Precedence of Judge, Secretary, &c.

There shall be paid to the Judge the net yearly Salary of Four thousand Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of One hundred and fifty Pounds.

Salaries

IX. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty of England it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, or in case the Office of Judge of the Court of Probate become vacant before the Office of Judge of the Court of Admiralty, the Judge of the Court of Admiralty may, with his Consent, be appointed to and hold also the Office of Judge of the Court of Probate, and after the Union of the said Two Offices they shall be thenceforth held by the same Person.

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

From and after the Union under this Act of the Two Offices of Judge of the Court of Probate and Judge of the Court of Admiralty in the same Person, the said yearly Salary of Four thousand Pounds payable under this Act shall be increased to Five thousand

Increase of Salary upon Union of the Offices.

thousand Pounds, and the Salary now payable to the Judge of the Court of Admiralty shall cease.

Retiring Pension.

Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate an Annuity, not exceeding Two thousand Pounds, or if such Person be also executing the Office of Judge of the said Court of Admiralty, not exceeding Three thousand five hundred Pounds, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand Pounds or Three thousand five hundred Pounds, as the Case may be: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity or the High Court of Admiralty for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

District Registries to be established.

X. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry."

Officers of the Court of Probate.

XI. There shall be Three Registrars, Two Record Keepers, and One Sealer for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to Her Majesty in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by Two Registrars, it shall be lawful for Her Majesty

Majesty by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

First Officers of the Principal Registry.

XII. Charles Dynely, Esquire, John Iggulden, Esquire, and William F. Gostling, Esquire, the present Deputy Registrars of the Prerogative Court of Canterbury, shall, if willing to accept the Office, be the First Registrars of the Principal Registry of the Court of Probate; Joseph Todd and John Smith, the present Record Keepers of the said Prerogative Court, shall, if willing to accept the Office, be the First Record Keepers at the said Principal Registry, and William John Berry, the present Sealer of the said Prerogative Court, shall, if willing to accept the Office, be the First Sealer at the said Principal Registry.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

XIII. The other Clerks and Officers now employed in the said Prerogative Court shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Judge may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Judge, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the said Judge shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be District Registrars at the same Places.

XIV. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court at any Place at which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such one of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar; provided that where there is now more than One such Registrar or Deputy Registrar competent to the Discharge of the Duties, the Judge may appoint them or more than One of them to hold such Office of District Registrar jointly with Benefit of Survivorship.

Appointment to Offices.

Salaries.

XV. The Registrars, District Registrars, and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge: There shall be paid to the several Officers mentioned in Schedule B. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may employ,

employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office.

XVI. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars.

XVII. No Person shall be appointed a Registrar or District Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in England, or is acting as Articled Clerk or Paid Clerk to a Proctor in Doctors Commons, or as Officer or Clerk in the Office of the said Prerogative Court, or of the Prerogative Court of York, or of any Diocesan Court.

Officers of the Court to execute their Offices in Person.

Registrars and Clerks of the Principal Registry not to act as Proctors, &c.

XVIII. All Registrars, District Registrars, Officers, and Clerks of the Court of Probate shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

Seal of the Court.

XIX. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof, respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

The Court to have throughout all England the same Powers as

XX. The Court of Probate shall be a Court of Record, and such Court shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all England, and in relation to the Personal Estate in all Parts of England of deceased Persons, as the Prerogative

rogative Court of the Archbishop of Canterbury and its Grants and Orders respectively now have in the Province of Canterbury, or in the Parts of such Province within its Jurisdiction, and in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

the Prerogative Court within the Province of Canterbury.

Suits for Legacies or Distribution not to be entertained.

XXI. The Court of Probate may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters or Causes Testamentary, and may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts of Law at Westminster; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

Power to examine Witnesses.

Production of Deeds, &c.

XXII. The Court of Probate shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the High Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Powers of Court to enforce Orders.

Order to produce any Instrument purporting to be testamentary.

XXIII. The Court of Probate may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

XXIV. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do under the Common Law Procedure Act, 1854, in Cases within the Provisions of that Act; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

s. 20.

XXV. If

XXV. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence 5 any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life or any Term 10 not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Forging or counterfeiting Seal or Signature of Officers.

Penalty.

XXVI. The Procedure and Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as 15 the Circumstances of the Case will admit, according to the present Form and Manner of Procedure and Practice in the Prerogative Court, and, except as aforesaid, all Statutes, and all Laws, Usages, and Practices now in force in the Prerogative Court, shall apply to and be observed by the Court of Probate in the same Manner as such 20 Statutes, Laws, Usages, and Practices apply to and are observed by the Prerogative Court.

Procedure of the Court.

XXVII. It shall be lawful for the Judge of the Court of Probate, with the Concurrence of the Lord Chancellor and of the Lord Chief Justice of the Court of Queen's Bench, or any One of the Judges 25 of any of the Superior Courts of Law to be by such Chief Justice named in that Behalf, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and 30 what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect, and from Time to Time to repeal, amend, or alter any such Rules and 35 Orders, as to him, with such Concurrence as aforesaid, may seem fit.

Judge may make Rules and Orders for regulating the Procedure of the Court.

XXVIII. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: 40 Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every

Mode of taking Evidence in contentious Matters.

such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed. 5

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend.

XXIX. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, 10 upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Westminster by the 15 Acts of the Thirteenth Year of King George the Third, Chapter Sixty-three, and of the First Year of King William the Fourth, Chapter Twenty-two, for enabling the Courts of Law at Westminster to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, 20 and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if 25 such Court were One of the Courts of Law at Westminster, and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XXX. The Rules of Evidence observed in the Superior Courts of Common Law at Westminster shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate. 30

Common Law Judges may sit, on Request.

XXXI. It shall be lawful for the Judge of the Court of Probate to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law at Westminster, who, upon the Request of the Judge of the Court of Probate, may find it convenient to attend for that Purpose. 35

Court may direct Issues to Courts of Law.

XXXII. It shall be lawful for the Court of Probate to direct an Issue on any Question of Fact arising in any Suit or Proceeding under this Act to be tried in any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Issue shall be tried accordingly: An 40 Issue shall be so directed in any Case where an Heir at Law cited or otherwise

otherwise made Party to the Suit or Proceeding makes Application to the Court of Probate for that Purpose, and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application; and where any Party or Parties other than such Heir at Law make a like Application, the other Party or Parties not concurring therein, and the Court shall refuse to direct such Issue, such Decision of the Court shall be subject to Appeal, as herein provided, concerning its Orders and Decrees respectively.

New Trials.

XXXIII. Where an Issue is directed as aforesaid to be tried in any of the Superior Courts of Common Law, all Motions for new Trials shall be made and disposed of in such Court of Common Law, subject to the Provisions as to Appeal, and other Provisions concerning new Trials and Applications in relation thereto, which, under the "Common Law Procedure Act, 1854," or otherwise, may be in force in such Court, and the ultimate Verdict on such Issue shall be conclusive as to the Question of Fact.

Appeal to the House of Lords.

XXXIV. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to Her Majesty in Council, and such Appeal shall be referred to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Advocates admitted to practise.

Barristers may practise in contentious Causes.

XXXV. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Serjeants and Barristers-at-Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court; and such Persons who have been so admitted Advocates and Serjeants and Barristers-at-Law shall have respectively the same Rank and Precedence which they now have before the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Advocates admitted to practise as Barristers.

XXXVI. All Persons who at the Time of the passing of this Act have been admitted as Advocates as aforesaid shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England, with the same Eligibility to Appointments, under Acts of Parliament or otherwise, as if they had respectively been duly

duly called to the Degree of Barrister-at-Law on the Days on which they respectively were so admitted as Advocates, and with the same Rank and Precedence which they now have before the said Judicial Committee, unless and until Her Majesty shall otherwise order.

Proctors admitted to practise.

XXXVII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Courts in Doctors Commons, or in the Prerogative Court of York, or in any Diocesan Court, may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate, without Payment of any Fee or Stamp Duty: And, except as herein otherwise provided, the Admission of Persons to be Proctors of the Court shall be in the Discretion of the Judge, subject to the Rules or Orders to be made under this Act: And the Proctors for the Time being of the Court of Probate shall have the same Rights and be subject to the same Obligations and Liabilities in respect of the Transaction of the Common Form Business as the Proctors of the Prerogative Court now have and are subject to in respect of the Transaction of the Common Form Business of the last-mentioned Court: Provided that nothing herein contained shall be taken to give any Proctors now practising, or any Persons hereafter admitted, any Claim or Title to Compensation in case the Transaction of the Business of the Court of Probate be thrown open to any other Class or Classes of Persons, or otherwise be regulated under the Rules or Orders to be made under this Act or by the Authority of any future Act of Parliament; provided also, that it shall be lawful for the Judge of the Court of Probate, if he shall think fit, to admit any Persons, or by Rules or Orders under this Act to direct the Admission of any Class or Classes of Persons, to practise as Proctors in all or any of the District Registries of the Court, but nothing herein or in such Rules or Orders shall prevent Parties from applying to such District Registries and acting in relation to their Applications without the Intervention of Proctors.

Admission of Articled Clerks to Proctors.

XXXVIII. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Courts at Doctors Commons or in any Ecclesiastical Court in England, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled, at any Time within One Year after his having completed his full Term of Service as such Articled Clerk, to be admitted a Proctor of the Court of Probate.

Stamp Duty on Admission of Proc-

The same Amount of Stamp Duty as is now payable on the Admission of a Proctor to any Ecclesiastical Court shall be payable by

by every Person to be admitted as a Proctor in the Court of Probate who shall not have been previously admitted as a Proctor in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof; and every Person who shall practise as a Proctor in the said Court of Probate shall obtain an annual Certificate to authorize him so to do under the Stamp Duty Acts, in the same Manner as Proctors practising in the Ecclesiastical or Admiralty Courts are now required to do by the said Acts or any of them, and shall be subject and liable to the same Penalties and Disabilities in case of any Neglect to obtain such Certificate as such Proctors are now subject and liable to for any similar Neglect, and as if the Clauses and Provisions of the said Acts in relation to such Certificates had been inserted in this Act, and specially enacted in reference to Proctors practising in the Court of Probate; provided that One annual Certificate only shall be required for any Person practising in the Ecclesiastical and Admiralty Courts and Court of Probate.

tors and annual Certificates

XXXIX. In all contentious Causes and Matters any Solicitor of the High Court of Chancery, or any Attorney of the Superior Courts of Law at Westminster, shall be at liberty to practise in the Court of Probate, with the same Rights and subject to the same Obligations and Liabilities as a Proctor of the Court.

Solicitors and Attornies admitted to practise in contentious Business.

XL. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and that the Personal Estate of the Deceased in respect of which Probate or Administration should be granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of One thousand five hundred Pounds; and all Grants of Probate and Letters of Administration granted by such District Registrars shall be deemed Grants by the Court of Probate, and shall have effect over the Personal Estate of the Deceased in all Parts of England accordingly.

Probates and Administration may be granted in common Form by District Registrars, in certain Cases.

XLI. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be

Affidavit conclusive.

liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death, or by reason that the Personal Estate so sworn to be under the Value of Fifteen hundred Pounds did in fact amount to or exceed that Value; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit, as is hereby required.

District Registrars not to make Grants where there is Contention, &c.

XLII. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

XLIII. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Matter of the Application according to such Instructions as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to a County Court.

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

XLIV. On the First and Third Thursday of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding Saturday, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates.

District Registrars to preserve original Wills.

XLV. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the

the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same.

Caveats.

5 XLVI. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under 10 Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given 15 to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

Where Personalty under 200*l.*, and Real Property under 300*l.*, County Court to have Jurisdiction.

XLVII. Where it shall appear by Affidavit of the Person or some or 20 One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclu- 25 sive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, 30 or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Judge of the County Court having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the con- 35 tentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Registrar of County Court to transmit Certificate of Decree for

XLVIII. On a Decree being made by a Judge of a County Court 40 for the Grant or Revocation of a Probate or Administration in any such Cause, the Registrar of the County Court shall transmit to the District Registrar of the District in which it shall have been sworn

Grant or Revocation of Probate.

that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate under the Seal of the County Court of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

The Judge of the County Court to decide Causes and enforce Judgments as in other Cases.

XLIX. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the County Court.

Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.

L. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Judge of a County Court under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided, that where it shall be shown to the Judge of a County Court before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

LI. Any

LI. Any Party who shall be dissatisfied with the Determination of the Judge of the County Court in point of Law or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act, may appeal from the same to any of the Superior Courts of Common Law, in like Manner as is provided by the Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-one, and the Provisions of the said Act and any Act amending the same shall extend to and be applicable to such Appeals.

Appeal from Judge of the County Court.

LII. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registry, or through any County Court, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Judge of a County Court, the Court of Probate may send the Cause to such County Court, and the Judge thereof shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Option of applying to Court of Probate in every Case.

LIII. It shall be lawful for the Judge of the Court of Probate, with the Assistance of Two or more of the County Court Judges to be for that Purpose named by the Lord Chancellor, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the County Courts, and the Judges, Registrars, and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act.

Judge to make Rules and Orders regulating the Procedure of County Courts under the Act.

LIV. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where a Will affecting Real Estate is proved in solemnForm, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

Where the Will is proved in solemnForm, or its Validity otherwise decided on,theDecree of the Court to be binding on the Persons interested in the Real Estate.

LV. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will, in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

LVI. Nothing herein contained shall make it necessary to cite the Heir at Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LVII. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Ten Days at least before the

the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of 5 Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have 10 been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Four Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

15 LVIII. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

As to Costs of Proof of Will.

LIX. There shall be One Place of Deposit under the Control of 20 the Court of Probate, at such Place in London or Middlesex as Her Majesty may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills the Originals whereof are 25 to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

Place of Deposit of original Wills.

LX. The Judge shall cause to be made from Time to Time in 30 the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted 35 within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the 40 Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Calendars to be made up and printed.

Registrar to transmit printed Copies to certain Offices.

LXI. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Prerogative in Dublin, the Office of the Commissary of the County of Midlothian, in Edinburgh, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without Reference to the Number of Calendars inspected.

Official Copy of whole or Part of Will may be obtained.

LXII. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Administration pendente lite.

LXIII. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Receiver of Real Estate pendente lite.

LXIV. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

Remuneration to Administrators pendente lite and Receivers.

LXV. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

Power as to Appointment of Administrator.

LXVI. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without

without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be 5 necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have 10 been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to 15 appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

38 G. 3. c. 87. extended to Administrators.

LXVII. The Provisions of an Act passed in the Thirty-eighth Year 20 of His late Majesty King George the Third, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration shall have been granted shall be out of the Jurisdiction of Her Majesty's Courts of Law and Equity.

After Grant of Administration no Person to have Power to sue as an Executor.

25 LXVIII. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

30 LXIX. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of 35 the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and 40 Variations, if any, as such Court may direct.

Payments under revoked Probates or Administration to be valid.

LXX. Where any Probate or Administration is revoked under this Act, all Payments bonâ fide made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made. 5

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.

LXXI. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor. 10 15

Sureties to Administration Bonds.

LXXII. So much of an Act passed in the Twenty-first Year of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of King James the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed. 20

Bond.

LXXIII. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court of Probate to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct. 25 30

Penalty on Bond.

LXXIV. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable. 35 40

LXXV. The

LXXV. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Power of Court to assign Bond.

LXXVI. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in England respecting any Grant of Probate or Administration, shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Practice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred; but this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed; and every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court of Probate any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Pending Suits transferred to Court of Probate.

Except Appeals.

Proviso.

LXXVII. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court of Probate under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall so be delivered to the Registrar, and shall be subject to Appeal under this Act.

Void and voidable Probates and Administrations.

LXXVIII. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Probates and Administrations granted before this Act comes into operation.

LXXIX. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which but for this Act would or ought to have been obtained in respect of the personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

LXXX. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had Personal Estate in England not within the Limits of the Jurisdiction of the Court by which the Probate or Administration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court of Probate to grant Probate or Administration only in respect of such Personal Estate not covered by any former

former Probate or Administration, and such Grant may be limited accordingly.

LXXXI. The Acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

LXXXII. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Penalty for Default.

LXXXIII. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

Safe Custody of the Wills of living Persons.

Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be

This Act not to affect the Stamp Duties on Probates and Administrations.

be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted. 5

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

LXXXIV. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, 10 in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of 15 the Grant as the said Commissioners may require.

53G.3.c.127. ss. 8, 9. repealed in part as to the Court of Probate.

LXXXV. Whereas by an Act passed in the Fifty-third Year of King George the Third, Chapter One hundred and twenty-seven, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to 20 the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein 25 further enacted, that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee or Reward, or with a view to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted 30 and enrolled, every such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the 35 Profits of and incident thereto.

Judge to fix Table of Fees to be taken by Officers of Court and by Officers of County Courts.

The Judge of the Court of Probate, with such Concurrence as is herein-before required as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table of Fees to be taken by the 40 Officers of the Court of Probate and the Proctors practising therein, including the District Registrars and the Proctors practising in District Registries,

Registries, and a Table of Fees to be taken by the Officers of the County Courts in respect of Business under this Act, and of the Fees to be payable in respect of Searches, Inspection, and printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and he is hereby empowered from Time to Time, with such Concurrence as aforesaid, to add to, reduce, alter, or amend the same as he may see fit; and he shall cause every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, to be published in the "London Gazette;" and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors.

Taxation of Costs.

LXXXVI. The Bill of any Proctor for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

None of the Fees payable to the Officers of the Court of Probate or of any County Court in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, and except as herein-after mentioned, shall be received in Money, but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Judge may order any Fees which cannot in his Opinion conveniently be collected by Stamps to be received in Money.

Fees collected by Stamps, and paid to "The Testamentary Fee Fund Account."

All the Provisions of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her present Majesty, "for "the Relief of Suitors of the High Court of Chancery," Chapter Eighty-seven, and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under this Act, save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under this Act, and of all Costs, Charges, and Expenses incurred by

by them or by their Direction in carrying the same into effect; and the said Commissioners may pay and deduct and retain out of such Moneys all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Judge shall by Rules and Orders under this Act direct, pay the same into the Bank of England, to the Credit of an Account there to be opened in the Names of the Registrars of the Court of Probate, and to be entitled "The Testamentary Fee Fund Account."

Fees paid in Money to be paid to "The Testamentary Fee Fund Account."

Such of the Fees payable to the Officers of the Court of Probate and to Officers of County Courts in respect of Business under this Act as the Judge of the Court of Probate shall direct to be collected in Money (except the Fees of District Registrars, and such as may be authorized to be taken for their own Use by the Commissioners for administering Oaths) shall, at such Times and in such Manner as he shall direct, be paid into the Bank of England, to the Credit of "The Testamentary Fee Fund Account."

Power to provide for incidental Expenses.

The Judge of the Court of Probate may, by Rules and Orders, under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of "The Testamentary Fee Fund Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings of or connected with the Court and its Registries as he may think necessary, and for the Rent, Taxes, Rates, Insurances from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court of Probate and Principal and District Registries, and for all other necessary Expenses relating thereto or incidental to the Sittings of the Court, and carrying the Provisions of this Act into effect, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testamentary, and for the Books and Stationery which may be required for the Business of the Court and of the Principal and District Registries, and for the making, copying, writing, printing, correcting, and examining official Documents and Records of the Court and of the Principal and District Registries.

Compensation to Registrars, &c. of existing Courts.

It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any

any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices in the Court of Probate, such Compensation as, having regard to the Tenure of their respective Offices and Appointments, and to the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, Section Twenty-five, and of the Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Ninety-eight, Section Nine, and the several subsequent Acts continuing the Provisions of the said Acts respectively, the said Commissioners deem just and proper to be awarded: Provided that where Persons whose Claims in respect of Offices, held for Life or otherwise, are excluded by the said Provisions, have executed in Person the Duties of such Offices, the said Provisions shall not be deemed to prevent the said Commissioners from granting to such Persons such Compensation as the said Commissioners would deem just and proper to be awarded on the Abolition or Reduction of the Emoluments of like Offices, if held at the Pleasure of the Crown; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: Provided always, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

Any Person to whom Compensation is awarded under this Act in respect of the Loss of Emoluments of any Office, and who at the passing of this Act shall have been discharging or liable to discharge in respect of such Office Duties other than those in Matters and Causes Testamentary, shall, so long as he shall receive such Compensation, be bound to discharge such other Duties on the same Terms on which, whether gratuitously or otherwise, he discharged or was liable to discharge the same before the passing of this Act.

For the Protection of the Interests of Viscount Canterbury.

And whereas the Most Reverend Charles late Archbishop of Canterbury, by virtue of the Power given by an Act of the Ninth Year of King George the Fourth, "to authorize the Lord Archbishop of Canterbury for the Time being to appoint a Person or Persons to the Office of Registrar of his Prerogative, without a previous Surrender of the existing Grant or Grants of the said Office," did, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the Reverend George Moore and Robert Moore (who then held the said Office by virtue of such Grant as therein mentioned), and the Survivor of them: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for settling and securing Annuities on the Right Honourable Charles Manners Sutton and on his next Heir Male, in consideration of the eminent Services of the said Right Honourable Charles Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand Pounds be payable out of the said Consolidated Fund to the then Heir Male of the Body of the said Charles late Viscount Canterbury, during the natural Life of such Heir Male; and it was further enacted, that, in the event of the said Charles now Viscount Canterbury having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine and be no longer payable to the said Charles now Viscount Canterbury: Provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury, then there should be issued and paid

2 & 3 W. 4. c. 109.

paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar, there shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount Canterbury shall then be in possession of the said Office, and if not, then from the Time at which the said Charles Viscount Canterbury would have become entitled, but for the passing of this Act, to the full Possession of the said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the said Charles Viscount Canterbury shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury, out of the said Consolidated Fund, of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

The Registry of Prerogative Court of Canterbury to vest in Registrars of the Court.

All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court, shall at the Time appointed for the Commencement of this Act vest in the Registrars for the Time being of the Court, subject to the Payment of such Rents, and the Performance and Fulfilment of such Contracts in respect thereof, as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting. 5

Compensation to Rev. R. Moore for Building.

In compensation for such Claim, Title, and Interest as aforesaid, the said Robert Moore, his Executors or Administrators, shall be entitled to receive such Sum of Money, and in such Instalments, as shall be agreed upon by Two competent Persons, One of whom shall be appointed by himself, his Executors or Administrators, and the other by the Commissioners of Her Majesty's Treasury, and in case such Persons disagree they shall appoint a third, whose Award shall be final, and such Compensation shall be paid to the said Robert Moore, his Executors or Administrators, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account." 10 15 20

Time of Payment of Salaries, &c.

All Salaries, Compensations, and Superannuations, or retiring Allowances under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Judge of the Court of Probate shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account," under any Order to be made from Time to Time for that Purpose. 25 30

Drafts on Testamentary Fee Fund.

Every Draft or Order on the Bank of England for the Payment of Money out of the Testamentary Fee Fund Account shall be signed by the Registrars of the Court of Probate for the Time being, or any Two of them; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them. 35

Power to order Surplus of Testamentary Fee Fund to be paid into

If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Judge of the Court of Probate may, by any Order, direct 40

direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Commissioners of Her Majesty's Treasury shall direct the Amount of such Deficiency to be issued and paid out of the said Consolidated Fund.

the Exchequer.

If Fund insufficient to defray Salaries, &c. Commissioners of the Treasury to provide for same.

LXXXVII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be purchased, erected, hired, or otherwise provided such Offices and Buildings as may be suitable for the District Registries and Depository or Depositories for Wills, and such Buildings, if any, as may be necessary for the Court and Principal Registry, in addition to the Building by this Act vested in the said Registrars, or after the Determination of their Interest in such Building.

Treasury to provide the Buildings for Registries, &c.

LXXXVIII. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Rules and Orders to be laid before Parliament.

SCHEDULE (A.)

Districts and Places of District Registries throughout England and Wales.

Districts.	Places of District Registries.	Districts.	Places of District Registries.
County of Northumberland (*a*)	Newcastle-on-Tyne.	County of Bedford and Southern Division of Northamptonshire. (*i*)	Northampton.
County of Durham - -	Durham.	County of Warwick (*k*) -	Birmingham.
Counties of Cumberland and Westmoreland.	Carlisle.	County of Stafford (*l*) -	Lichfield.
West Riding of the County of York (*b*), except Leeds District.	York.	Counties of Radnor, Brecknock, and Hereford.	Hereford.
North Riding ditto - -	Richmond.	Counties of Cardigan, Carmarthen (*m*), and Pembroke (*n*)	Carmarthen.
East Riding ditto (*c*) - -	Hull.	Counties of Glamorgan and Monmouth.	Llandaff.
Parish or County Court District of Leeds.	Leeds.	County of Worcester (*o*) -	Worcester.
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester.	Lancaster.	County of Gloucester (*p*), except the present Bristol County Court District.	Gloucester.
City of Manchester and Hundred of Salford.	Manchester.	Bristol and Bath present County Court Districts.	Bristol.
Hundred of West Derby in Lancashire.	Liverpool.	Counties of Oxford (*q*), Berks, Bucks.	Oxford.
County of Chester (*d*) - -	Chester.	Eastern Division of the County of Somerset, except the present Bath County Court District, and the Part in Somersetshire of the present Bristol County Court District.	Wells.
Counties of Carnarvon and Anglesea.	Bangor.		
Counties of Flint, Denbigh, and Merioneth.	St. Asaph.		
County of Derby - - -	Derby.	Western Division of the County of Somerset.	Taunton.
County of Nottingham (*e*) -	Nottingham.	County of Devon (*r*) - -	Exeter.
Counties of Leicester and Rutland.	Leicester.	County of Cornwall - -	Bodmin.
County of Lincoln (*f*) -	Lincoln.	County of Wilts - - -	Salisbury.
Counties of Salop and Montgomery.	Shrewsbury.	County of Dorset (*s*) - -	Blandford.
Northern Division of Northampton, and Counties of Huntingdon and Cambridge. (*g*)	Peterborough.	County of Hants (*t*) - -	Winchester.
County of Norfolk (*h*) -	Norwich.	Eastern Division of the County of Sussex. (*u*)	Lewes.
County of Suffolk and North Division of the County of Essex.	Ipswich.	Western Division of the County of Sussex.	Chichester.
		East Division of the County of Kent. (*v*)	Canterbury.

The Divisions of Counties referred to in the Schedule are the Divisions of the same Counties described for Election Purposes in the Act of the Second and Third Years of King William the Fourth, Chapter Sixty-four, and the Cities and Towns herein referred to are to be taken to include the Counties of such Cities and Towns as are Counties of themselves.

(*a*) Including the Towns and Counties of Newcastle-on-Tyne and Berwick-upon-Tweed.
(*b*) Including the City of York and Ainsty.
(*c*) Including the Town and County of Kingston-on-Hull.
(*d*) Including the City of Chester.
(*e*) Including the Town of Nottingham.
(*f*) Including the City of Lincoln.
(*g*) Including the University of Cambridge.
(*h*) Including the City of Norwich.
(*i*) Including the Town of Northampton.
(*k*) Including the City of Coventry.
(*l*) Including the City of Lichfield.
(*m*) Including the Town of Carmarthen.
(*n*) Including the Town of Haverfordwest.
(*o*) Including the City of Worcester.
(*p*) Including the City of Gloucester.
(*q*) Including the University of Oxford.
(*r*) Including the City of Exeter.
(*s*) Including the Town of Poole.
(*t*) Including the Town of Southampton.
(*u*) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.
(*v*) Including the City of Canterbury and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

SCHEDULE (B.)

	Annual Salary. £
The Three Registrars in London, each - -	1,500
The Record Keepers, each - - - -	600
The Sealer - - - - -	300

Probates and Letters of Administration.

A

BILL

INTITULED

An Act to amend the Law relating to Probates and Letters of Administration in England.

(*Brought from the Lords*, 8 *June* 1857.)

Ordered, by The House of Commons, *to be Printed*, 8 *June* 1857.

Under 5 oz.

[Bill 47.]

4 *August* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to amend the Law relating to Probates and Letters of Administration in England.

WHEREAS it is expedient that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in England should be exercised, in the Name of Her Majesty, by One Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned— Interpretation Clause.

"Will" shall comprehend "Testament" and all other Testamentary Instruments of which Probate may now be granted: "Will:"

"Administration:"

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes:

"Matters and Causes Testamentary:"

"Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration: 5

"Common Form Business."

"Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration. 10 15

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

III. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in England, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person. 20 25

Testamentary Jurisdiction to be exercised by a Court of Probate.

IV. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in England, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called the Court of Probate, and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in London or Middlesex as Her Majesty in Council shall from Time to Time appoint. 30 35

Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court.

V. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to appoint a Person, being or having been an Advocate of Ten Years Standing, or a Barrister-at-Law of Fifteen Years Standing, to be such Judge. 40

VI. The

VI. The Judge of the Court of Probate shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judge's Tenure of Office.

5 VII. Every Judge of the Court of Probate shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

Judge to take Oath.

'I A.B. do solemnly and sincerely promise and swear, That I will
10 'duly and faithfully, and to the best of my Skill and Power,
'execute the Office of Judge of the Court of Probate.

'So help me GOD.'

VIII. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts of Common Law at Westminster according to the Date of his Appointment, and he shall have a
15 Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

Precedence of Judge, Secretary, &c.

CLAUSE (A.) Salaries.

IX. There shall be paid to the Judge the net yearly Salary of Four thousand Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of
20 One hundred and fifty Pounds.

X. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty of England it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty,
25 or in case the Office of Judge of the Court of Probate become vacant before the Office of Judge of the Court of Admiralty, the Judge of the Court of Admiralty may, with his Consent, be appointed to and hold also the Office of Judge of the Court of Probate, and after the Union of the said Two Offices they shall be thenceforth held
30 by the same Person.

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

CLAUSE (B.) Increase of Salary upon Union of the Offices.

XI. From and after the Union under this Act of the Two Offices of Judge of the Court of Probate and Judge of the Court of Admiralty in the same Person, the said yearly Salary of Four thousand Pounds payable under this Act shall be increased to Five
35 thousand Pounds, and the Salary now payable to the Judge of the Court of Admiralty shall cease.

CLAUSE (C.) Retiring Pension.

XII. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office

of Judge of Her Majesty's Court of Probate an Annuity, not exceeding Two thousand Pounds, or if such Person be also executing the Office of Judge of the said Court of Admiralty, not exceeding Three thousand five hundred Pounds, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand Pounds or Three thousand five hundred Pounds, as the Case may be: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity or the High Court of Admiralty for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

District Registries to be established.

XIII. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry."

Officers of the Court of Probate.

XIV. There shall be Three Registrars, Two Record Keepers, and One Sealer for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to Her Majesty in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by Two Registrars, it shall be lawful for Her Majesty by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

First Officers of the Principal Registry.

XV. Charles Dynely, Esquire, John Iggulden, Esquire, and William F. Gostling, Esquire, the present Deputy Registrars of the Prerogative

tive Court of Canterbury, shall, if willing to accept the Office, be the First Registrars of the Principal Registry of the Court of Probate; Joseph Todd and John Smith, the present Record Keepers of the said Prerogative Court, shall, if willing to accept the Office, be the First Record Keepers at the said Principal Registry, and William John Berry, the present Sealer of the said Prerogative Court, shall, if willing to accept the Office, be the First Sealer at the said Principal Registry, and George Jarvis Foster, Clerk of the Papers in the said Prerogative Court, shall, if willing to accept the Office, be the First Clerk of Papers at the said Principal Registry.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

XVI. The other Clerks and Officers now employed in the said Prerogative Court shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Lord Chancellor may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Lord Chancellor, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the said Lord Chancellor shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be District Registrars at the same Places.

XVII. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court exercising Testamentary Jurisdiction at any Place at which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such one of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar; provided that where there is now more than One such Registrar or Deputy Registrar competent to the Discharge of the Duties, the Judge may appoint them or more than One of them to hold such Office of District Registrar jointly with Benefit of Survivorship.

Appointment to Offices.

Salaries.

XVIII. The Registrars, District Registrars, and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge: There shall be paid to the several Officers mentioned in Schedule B. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may

employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct. 5

Tenure of Office.

XIX. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor. 10

Qualification of Registrars and District Registrars.

XX. No Person shall be appointed a Registrar or District Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in England, or is acting as Articled Clerk or Paid Clerk to a Proctor in Doctors Commons, or as Officer or Clerk in the Office of the said Prerogative Court, or of the Prerogative Court of York, or of any Diocesan Court. 15 20

Officers of the Court to execute their Offices in Person.

Registrars and Clerks of the Principal Registry not to act as Proctors, &c.

XXI. All Registrars, District Registrars, Officers, and Clerks of the Court of Probate shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising. 25

Seal of the Court.

XXII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof, respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof. 30 35

The Court to have throughout all England the same Powers as

XXIII. The Court of Probate shall be a Court of Record, and such Court shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all England, and in relation to the Personal Estate in all Parts of England of deceased Persons, as the Prerogative 40

rogative Court of the Archbishop of Canterbury and its Grants and Orders respectively now have in the Province of Canterbury, or in the Parts of such Province within its Jurisdiction, and in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

the Prerogative Court within the Province of Canterbury.

Suits for Legacies or Distribution not to be entertained.

XXIV. The Court of Probate may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters or Causes Testamentary, and may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts of Law at Westminster; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

Power to examine Witnesses.

Production of Deeds, &c.

XXV. The Court of Probate shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the High Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Powers of Court to enforce Orders.

Order to produce any Instrument purporting to be testamentary.

XXVI. The Court of Probate may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

XXVII. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do under the Common Law Procedure Act, 1854, in Cases within the Provisions of that Act; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

s. 20.

XXVIII. If

XXVIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Forging or counterfeiting Seal or Signature of Officers.

Penalty.

XXIX. The Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court.

Practice of the Court.

CLAUSE D.

XXX. And to the Intent and End that the Procedure and Practice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, and of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and after the Time when this Act shall come into operation it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, or alter any such Rules and Orders as to him, with such Concurrence as aforesaid, may seem fit.

Rules and Orders to be made for regulating the Procedure of the Court.

XXXI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court:

Mode of taking Evidence in contentious Matters.

Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend.

XXXII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Westminster by the Acts of the Thirteenth Year of King George the Third, Chapter Sixty-three, and of the First Year of King William the Fourth, Chapter Twenty-two, for enabling the Courts of Law at Westminster to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at Westminster, and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XXXIII. The Rules of Evidence observed in the Superior Courts of Common Law at Westminster shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

Common Law Judges may sit, on Request.

XXXIV. It shall be lawful for the Judge of the Court of Probate to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law at Westminster, who, upon the Request of the Judge of the Court of Probate, may find it convenient to attend for that Purpose.

Clause E. Court may cause Questions of Fact to be tried by a Jury before

XXXV. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by

by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Question to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

itself, or direct an Issue to a Court of Law.

XXXVI. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualifications, and shall be struck, summoned, ballotted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Clause F. Powers of the Court for the Trial of Questions by a Jury.

XXXVII. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Clause G. Question to be stated, and Jury sworn to try it. Judge on the Trial to have the same Authority as a Judge at Nisi Prius.

CLAUSE H.
Court may direct Issues to try any Fact.

XXXVIII. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in London or Middlesex, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery. 5

Appeal to the House of Lords.

XXXIX. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree. 10

Advocates admitted to practise.

Barristers may practise in contentious Causes.

XL. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Serjeants and Barristers-at-Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court; and such Persons who have been so admitted Advocates and Serjeants and Barristers-at-Law shall have respectively the same Rank and Precedence which they now have before the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order. 15 20 25

Advocates admitted to practise as Barristers.

XLI. All Persons who at the Time of the passing of this Act have been admitted as Advocates as aforesaid shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in England, with the same Eligibility to Appointments, under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Days on which they respectively were so admitted as Advocates, and with the same Rank and Precedence which they now have before the said Judicial Committee, unless and until Her Majesty shall otherwise order. 30

Proctors admitted to practise.

XLII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Courts in Doctors Commons, or in the Prerogative Court of York, or in any Diocesan Court, or in any Archidiaconal Court, having previously duly served under Articles of Clerkship either to an Attorney or Proctor, may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate; 35 40

to substitute this Leaf for the corresponding Leaf of
bates and Letters of Administration Bill [No. 175.]

Probate, without Payment of any Fee or Stamp Duty.

CLAUSE I. Admission of Registrars and Proctors as Solicitors.

XLIII. Every Person who at the Time of the passing of this Act is acting as Registrar or Deputy Registrar of any Ecclesiastical Court, or is actually admitted and practising as a Proctor in the Courts in Doctors Commons, or in any Ecclesiastical Court in England or Wales, may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an official Certificate thereof; and upon the Production of an official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

CLAUSE J. Admission of Articled Clerks to Proctors as Solicitors.

XLIV. Every Person who at the Time of the Commencement of this Act has served or is actually serving as an Articled Clerk to a Proctor entitled to take such articled Clerk, and who has not been admitted as a Proctor, shall be entitled to be admitted as a Solicitor of the High Court of Chancery, in the same Manner, and subject to the same Rules and Regulations, and upon the same Conditions as if he had before the Commencement of this Act been articled to a Solicitor or to an Attorney-at-Law; and such Admission shall entitle such articled Clerk so admitted as a Solicitor to be afterwards in like manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts: Provided, that if any such Proctor to whom any such Clerk is now articled shall retire from Practice after the passing of this Act, he shall and is hereby required to transfer such articled Clerk to some other Proctor, or to a Solicitor, or to an Attorney-at-Law, for the unexpired Term of his Articles of Clerkship; provided that the Court shall at any Time have the same Power to transfer

such Clerk, during the unexpired Term of his Articles of Clerkship, to any other Proctor, or to a Solicitor, or to an Attorney-at-Law, as the Judge of the Prerogative Court now has in respect to Clerks articled to Proctors practising in the Court of Arches.

CLAUSE K. Practitioners.

XLV. All Solicitors and Attornies-at-Law may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court. 5

Admission of Articled Clerks to Proctors.

XLVI. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Courts at Doctors Commons or in any Ecclesiastical Court in England, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled, at any Time within One Year after his having completed his full Term of Service as such Articled Clerk, to be admitted a Proctor of the Court of Probate. 10 15

CLAUSE L. Stamp Duty on Admission of Proctors and annual Certificates.

XLVII. The same Amount of Stamp Duty as is now payable on the Admission of a Proctor to any Ecclesiastical Court shall be payable by every Person to be admitted as a Proctor in the Court of Probate who shall not have been previously admitted as a Proctor in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof; and every Person who shall practise as a Proctor in the said Court of Probate shall obtain an annual Certificate to authorize him so to do under the Stamp Duty Acts, in the same Manner as Proctors practising in the Ecclesiastical or Admiralty Courts are now required to do by the said Acts or any of them, and shall be subject and liable to the same Penalties and Disabilities in case of any Neglect to obtain such Certificate as such Proctors are now subject and liable to for any similar Neglect, and as if the Clauses and Provisions of the said Acts in relation to such Certificates had been inserted in this Act, and 20 25 30

specially

Probate; and, except as herein otherwise provided, the Admission of Persons to be Proctors of the Court shall be in the Discretion of the Judge, subject to the Rules or Orders to be made under this Act: And the Proctors for the Time being of the Court of Probate 5 shall have the same Rights and be subject to the same Obligations and Liabilities in respect of the Transaction of the Common Form Business as the Proctors of the Prerogative Court now have and are subject to in respect of the Transaction of the Common Form Business of the last-mentioned Court: Provided that nothing herein 10 contained shall be taken to give any Proctors now practising, or any Persons hereafter admitted, any Claim or Title to Compensation in case the Transaction of the Business of the Court of Probate be thrown open to any other Class or Classes of Persons, or otherwise be regulated under the Rules or Orders to be made under this Act 15 or by the Authority of any future Act of Parliament; provided also, that it shall be lawful for the Judge of the Court of Probate, if he shall think fit, to admit any Persons, or by Rules or Orders under this Act to direct the Admission of any Class or Classes of Persons, to practise as Proctors in all or any of the District Registries of the 20 Court, but nothing herein or in such Rules or Orders shall prevent Parties from applying to such District Registries and acting in relation to their Applications without the Intervention of Proctors.

CLAUSE I. Admission of Registrars and Proctors as Solicitors.

XLIII. Every Person who at the Time of the passing of this Act is acting as Registrar or Deputy Registrar of any Ecclesiastical 25 Court, or is actually admitted and practising as a Proctor in the Courts in Doctors Commons, or in any Ecclesiastical Court in England or Wales, may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, 30 upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an official Certificate thereof; and upon the Production of an official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the 35 High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

CLAUSE J. Admission of Articled Clerks to Proctors as Solicitors.

XLIV. Every Person who at the Time of the Commencement of 40 this Act has served or is actually serving as an Articled Clerk to a Proctor entitled to take such articled Clerk, and who has not been admitted as a Proctor, shall be entitled to be admitted as a Solicitor of the High Court of Chancery, in the same Manner, and subject to

the same Rules and Regulations, and upon the same Conditions as if he had before the Commencement of this Act been articled to a Solicitor or to an Attorney-at-Law; and such Admission shall entitle such articled Clerk so admitted as a Solicitor to be afterwards in like manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts: Provided, that if any such Proctor to whom any such Clerk is now articled shall retire from Practice after the passing of this Act, he shall and is hereby required to transfer such articled Clerk to some other Proctor, or to a Solicitor, or to an Attorney-at-Law, for the unexpired Term of his Articles of Clerkship; provided that the Court shall at any Time have the same Power to transfer such Clerk, during the unexpired Term of his Articles of Clerkship, to any other Proctor, or to a Solicitor, or to an Attorney-at-Law, as the Judge of the Prerogative Court now has in respect to Clerks articled to Proctors practising in the Court of Arches.

Clause K. Practitioners.

XLV. All Solicitors and Attornies-at-Law may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court.

Admission of Articled Clerks to Proctors.

XLVI. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Courts at Doctors Commons or in any Ecclesiastical Court in England, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled, at any Time within One Year after his having completed his full Term of Service as such Articled Clerk, to be admitted a Proctor of the Court of Probate.

Clause L. Stamp Duty on Admission of Proctors and annual Certificates.

XLVII. The same Amount of Stamp Duty as is now payable on the Admission of a Proctor to any Ecclesiastical Court shall be payable by every Person to be admitted as a Proctor in the Court of Probate who shall not have been previously admitted as a Proctor in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof; and every Person who shall practise as a Proctor in the said Court of Probate shall obtain an annual Certificate to authorize him so to do under the Stamp Duty Acts, in the same Manner as Proctors practising in the Ecclesiastical or Admiralty Courts are now required to do by the said Acts or any of them, and shall be subject and liable to the same Penalties and Disabilities in case of any Neglect to obtain such Certificate as such Proctors are now subject and liable to for any similar Neglect, and as if the Clauses and Provisions of the said Acts in relation to such Certificates had been inserted in this Act, and specially

specially enacted in reference to Proctors practising in the Court of Probate; provided that One annual Certificate only shall be required for any Person practising in the Ecclesiastical and Admiralty Courts and Court of Probate.

Probates and Administration may be granted in common Form by District Registrars, in certain Cases.

5 XLVIII. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One 10 of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and such Probate or Letters of Administration shall have effect over the personal Estate 15 of the Deceased in all Parts of England accordingly.

Affidavit conclusive.

XLIX. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that 20 the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death, or by reason that the Personal Estate so sworn to be under the Value of Fifteen hundred Pounds did in fact amount to or exceed that Value; and every Probate and Administration granted by any such District Registrar shall effectually 25 discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit, as is hereby required.

District Registrars not to make Grants where there is Contention, &c.

L. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant 30 until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form.

Clause M. As to Transmission of Notice of Applications for Grants of Probate, &c. to District Registrar.

LI. Notice of every Application to any District Registrar for the Grant of Probate or Administration shall be transmitted by such 35 District Registrar to the Registrars of the Principal Registry by the next Post after such Application shall have been made; and such Notice shall specify the Name and Description, or Addition (if any), of the Testator or Intestate, the Time of his Death, and the Place of his Abode at his Decease, as stated in the Affidavit made in support 40 of such Application, and the Name of the Person by whom the

Application has been made, and such other Particulars as may be directed by Rules or Orders under this Act; and no Probate or Administration shall be granted in pursuance of such Application until such District Registrar shall have received a Certificate, under the Hand of One of the Registrars of the Principal Registry, that no other Application appears to have been made in respect of the Goods of the same deceased Person, which Certificate the said Registrar of the Principal Registry shall forward as soon as may be to the District Registrar; all such Notices, in respect of Applications in the District Registries shall be filed and kept in the Principal Registry, and the Registrars of the Principal Registry shall, with reference to every such Notice, examine all Notices of such Applications which may have been received from the several other District Registries, and the Applications which may have been made for Grants of Probate or Administration at the Principal Registry, so far as it may appear necessary to ascertain whether or no Application for Probate or Administration, in respect of the Goods of the same deceased Person, may have been made in more than One Registry, and shall communicate with the District Registrars as Occasion may require in relation to such Applications.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

LII. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Matter of the Application according to such Instructions as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to a County Court.

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

LIII. On the First Thursday of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to

to the last preceding Saturday, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates.

LIV. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same.

District Registrars to preserve original Wills.

LV. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

Caveats.

LVI. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Judge of the County Court having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Where Personalty under 200*l.*, and Real Property under 300*l.*, County Court to have Jurisdiction.

Registrar of County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LVII. On a Decree being made by a Judge of a County Court for the Grant or Revocation of a Probate or Administration in any such Cause, the Registrar of the County Court shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate under the Seal of the County Court of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

The Judge of the County Court to decide Causes and enforce Judgments as in other Cases.

LVIII. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act, shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the County Court.

Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.

LIX. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Judge of a County Court under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided, that where it shall be shown to the Judge of a County Court before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings

ceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

CLAUSE N. Appeal from County Court.

5 LX. Any Party who shall be dissatisfied with the Determination of the Judge of the County Court, in point of Law, or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act, may appeal from the same to the Court of Probate, in such Manner and subject to such Regulations as may be provided by the Rules and 10 Orders to be made under this Act.

Option of applying to Court of Probate in every Case.

LXI. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registry, or through any County Court, but in every Case such Application may be made through 15 the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the 20 Deceased were such as to give contentious Jurisdiction to the Judge of a County Court, the Court of Probate may send the Cause to such County Court, and the Judge thereof shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

CLAUSE O. Rules and Orders for regulating the Procedure of County Courts under the Act to be made by the Judges now having Authority for the like Purpose. 19 & 20 Vict. c. 108. s. 32.

25 LXII. For regulating the Procedure and Practice of the County Courts, and the Judges, Registrars, and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act, Rules and Orders may be from Time to Time framed, amended, and certified by the County Court Judges appointed for the Time being to frame Rules 30 and Orders for regulating the Practice of the County Courts under the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and eight, and shall be subject to be allowed or disallowed or altered, and shall be in force from the Day named for that Purpose by the Lord Chancellor, as in the said 35 Act is provided in relation to other Rules and Orders regulating the Practice of the same Courts; and for establishing Rules and Orders to be in force when this Act comes into operation, the Power given by this Enactment shall be exercised as soon as conveniently may be after the passing of this Act.

Where a Will affecting Real Estate is

40 LXIII. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious

proved in solemnForm, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where the Will is proved in solemnForm, or its Validity otherwise decided on,theDecree of the Court to be binding on the Persons interested in the Real Estate.

LXIV. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will, in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

LXV. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir

or

or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or 5 derives Title under or through a Person so cited or made Party.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LXVI. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party 10 intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Ten Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testa- 15 mentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and 20 of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Four Days after such Receipt, give Notice that he disputes the Validity of such Devise or other 25 Testamentary Disposition.

As to Costs of Proof of Will.

LXVII. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Place of Deposit of original Wills.

30 LXVIII. There shall be One Place of Deposit under the Control of the Court of Probate, at such Place in London or Middlesex as Her Majesty may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal 35 Registry thereof, and Copies of all Wills the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

Calendars to be made up and printed.

40 LXIX. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the

Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Registrar to transmit printed Copies to certain Offices.

LXX. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Prerogative in Dublin, the Office of the Commissary of the County of Midlothian, in Edinburgh, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without Reference to the Number of Calendars inspected.

Official Copy of whole or Part of Will may be obtained.

LXXI. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Administration pendente lite.

LXXII. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Receiver of Real Estate pendente lite.

LXXIII. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which

which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

Remuneration to Administrators pendente lite and Receivers.

5 LXXIV. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

Power as to Appointment of Administrator.

10 LXXV. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of 15 Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other 20 than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant 25 thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

38 G. 3. c. 87. extended to Administrators.

30 LXXVI. The Provisions of an Act passed in the Thirty-eighth Year of His late Majesty King George the Third, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration shall have been granted shall be out of the Jurisdiction of Her Majesty's 35 Courts of Law and Equity.

After Grant of Administration no Person to have Power to sue as an Executor.

LXXVII. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have 40 been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXVIII. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Payments under revoked Probates or Administration to be valid.

LXXIX. Where any Probate or Administration is revoked under this Act, all Payments bonâ fide made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

LXXX. All Persons and Corporations making or permitting to be made any Payment or Transfer bonâ fide, upon any Probate or Letters of Administration granted in respect of the Estate of any deceased Person under the Authority of this Act, shall be indemnified and protected in so doing notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Probate or Letters of Administration.

CLAUSE P.

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.

LXXXI. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Sureties to Administration Bonds.

LXXXII. So much of an Act passed in the Twenty-first Year of King Henry the Eighth, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of King Charles the Second, Chapter Ten, and of an Act passed in the First Year of King James the Second, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed.

LXXXIII. Every

LXXXIII. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court of Probate to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct. Bond.

LXXXIV. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable. Penalty on Bond.

LXXXV. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond. Power of Court to assign Bond.

LXXXVI. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in England respecting any Grant of Probate or Administration, shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Practice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred; but this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried Pending Suits transferred to Court of Probate. Except Appeals.

carried on and prosecuted in the same Manner in all respects as if this Act had not passed; and every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court of Probate any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Proviso.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

LXXXVII. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court of Probate under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall so be delivered to the Registrar, and shall be subject to Appeal under this Act.

Void and voidable Probates and Administrations.

LXXXVIII. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence

commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

LXXXIX. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which but for this Act would or ought to have been obtained in respect of the Personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probates and Administrations granted before this Act comes into operation.

XC. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had Personal Estate in England not within the Limits of the Jurisdiction of the Court by which the Probate or Administration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court of Probate to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

XCI. The Acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

XCII. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates,

Penalty for Default.

Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Safe Custody of the Wills of living Persons.

XCIII. One or more safe and convenient Depository for Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

Clause Q. This Act not to affect the Stamp Duties on Probates and Administrations.

XCIV. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

XCV. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

53G.3.c.127. ss. 8, 9. repealed in

XCVI. Whereas by an Act passed in the Fifty-third Year of King George the Third, Chapter One hundred and twenty-seven, it is

is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted, that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee or Reward, or with a view to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

part as to the Court of Probate.

CLAUSE R. Judge to fix Table of Fees to be taken by Officers of Court and by Officers of County Courts.

XCVII. The Lord Chancellor, with such Assistance as is herein-before provided as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table or Tables of Fees to be taken by the Officers of the Court of Probate, and the Proctors, Solicitors, and Attornies practising therein, including the District Registrars, and the Proctors, Solicitors, and Attornies practising in District Registries, and of Fees to be taken by the Officers of the County Courts, in respect of Business under this Act, and of Fees to be payable in respect of Searches, Inspection, and Printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and the Judge of the Court of Probate, with such Concurrence as is herein-before provided in respect of the Amendment of Rules and Orders, is hereby empowered, from Time to Time after this Act shall come into Operation, to add to, reduce, alter, or amend such Table or Tables of Fees, as he may see fit: Provided that such Tables of Fees and every Alteration of the same, except so far as respects the Fees which are to be taken by District Registrars, Proctors, and others, for their own Remuneration and to their own Use, shall be subject to the Approval of the Commissioners of Her Majesty's Treasury; and every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, shall be published in the London Gazette; and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors.

Taxation of Costs.

XCVIII. The Bill of any Proctor, Attorney, or Solicitor, for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor or Attorney or Solicitor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Clause S. Fees not to be paid in Money, but by Stamps.

XCIX. None of the Fees payable to the Officers of the Court of Probate, or of any County Court, in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, shall be received in Money, but every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable.

Clause T. Fees collected by Stamps, and paid to "The Testamentary Fee Fund Account."

C. All the Provisions of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her present Majesty, "for "the Relief of Suitors of the High Court of Chancery," Chapter Eighty-seven, and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under this Act, save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under this Act, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and the said Commissioners may pay and deduct and retain out of such Moneys all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Judge shall by Rules and Orders under this Act direct, pay the same into the Bank of England, to the Credit of an Account there to be opened in the Names of the Registrars of the Court of Probate, and to be entitled "The Testamentary Fee Fund Account."

CI. Such

CI. Such of the Fees payable to the Officers of the Court of Probate and to Officers of County Courts in respect of Business under this Act as the Judge of the Court of Probate shall direct to be collected in Money (except the Fees of District Registrars, 5 and such as may be authorized to be taken for their own Use by the Commissioners for administering Oaths) shall, at such Times and in such Manner as he shall direct, be paid into the Bank of England, to the Credit of "The Testamentary Fee Fund Account."

CLAUSE U. Fees paid in Money to be paid to "The Testamentary Fee Fund Account"

CII. The Judge of the Court of Probate may, by Rules and 10 Orders, under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of "The Testamentary Fee Fund Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings of or connected with the Court and its Registries as he may think necessary, and for the Rent, 15 Taxes, Rates, Insurances from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court of Probate and Principal and District Registries, and for all other necessary Expenses relating thereto or incidental to the Sittings of the Court, 20 and carrying the Provisions of this Act into effect, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testa- 25 mentary, and for the Books and Stationery which may be required for the Business of the Court and of the Principal and District Registries, and for the making, copying, writing, printing, correcting, and examining official Documents and Records of the Court and of the Principal and District Registries.

CLAUSE X. Power to provide for incidental Expenses.

30 CIII. The Fees to be collected by means of Stamps under the Provisions of this Act shall be deemed "Stamp Duties," and shall be placed under the Management of the Commissioners of Inland Revenue, to be collected and paid into the Exchequer under the same Laws and Regulations as those made in respect of the other Duties 35 of "Stamps," and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the 40 Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in Execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other

CLAUSE Y. Provisions of Acts relating to Stamps to be applicable to Stamps for collecting Fees.

Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively; but a separate and distinct Account of all Money received in respect of the said last-mentioned Stamps for every Year ending the Thirty-first Day of March shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Accounts, or, if Parliament be not then sitting, within One Month after the Commencement of the next Session of Parliament.

Clause Z. No Document to be received or used unless stamped.

CIV. No Document which under this Act, and any Table of Fees for the Time being in force under this Act, ought to have a Stamp in respect of such Fee impressed thereon or affixed thereto shall be received or filed or be used in relation to any Proceeding in the Court of Probate, or be of any Validity for any Purpose whatsoever, unless or until the same shall have the proper Stamp impressed thereon or affixed thereto: Provided, that if any Time it shall appear that any such Document has through Mistake or Inadvertence been received, or filed, or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Judge of the Court of Probate, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto, and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto in compliance with any such Order, such Document and every Proceeding in reference thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Clause Aa. Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

CV. If any Officer of the Court of Probate, or any other Person employed under this Act, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected, or which ought to be collected, by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission whereby any Fee or Money which ought to be collected by means of a Stamp under this Act shall be lost, or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment if the Judge of the Court of Probate shall think fit so to order.

Clause Bb. Salary of the Judge and Compensations charged on the Consolidated Fund.

CVI. The Salary of the Judge of the Court of Probate, and any retiring Annuity granted to a Judge of the Court of Probate under this Act, and all Compensations payable under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom, and such Salary and retiring Annuity respectively, and all annual

annual Payments by way of Compensation under this Act, shall grow due from Day to Day, but shall be payable on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October, in every Year.

CLAUSE Cc. Salaries and Expenses not charged on the Consolidated Fund to be paid out of Moneys to be provided by Parliament.

5 CVII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all Salaries payable to the Registrars, Clerks, and other Officers under this Act, and all necessary Expenses of the Court of Probate and its Registries, 10 and other Expenses which may be incurred in carrying the Provisions of this Act into effect (except such Salary, retiring Annuity, and Compensations as are herein-before charged on the said Consolidated Fund).

CLAUSE Dd. Compensation to Registrars, &c. of existing Courts.

CVIII. It shall be lawful for the Commissioners of the Treasury 15 to grant to any Archdeacons, Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices 20 of equal Value in the Court of Probate, such Compensation as, having regard to the Tenure of their respective Offices and Appointments, and to the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Seventy-seven, Section Twenty-five, and of the Act of the Session holden in 25 the Tenth and Eleventh Years of Her Majesty, Chapter Ninety-eight, Section Nine, and the several subsequent Acts continuing the Provisions of the said Acts respectively, the said Commissioners deem just and proper to be awarded: Provided that where Persons whose Claims in respect of Offices, held for Life or otherwise, are excluded 30 by the said Provisions, have executed in Person the Duties of such Offices, the said Provisions shall not be deemed to prevent the said Commissioners from granting to such Persons such Compensation as the said Commissioners would deem just and proper to be awarded on the Abolition or Reduction of the Emoluments of like Offices, if 35 held at the Pleasure of the Crown; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as 40 aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: Provided always, that if any Person to whom any yearly Sum is awarded

 for

for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

Clause E e. Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

CIX. Any Person to whom Compensation is awarded under this Act in respect of the Loss of Emoluments of any Office, and who at the passing of this Act shall have been discharging or liable to discharge in respect of such Office Duties other than those in Matters and Causes Testamentary, shall, so long as he shall receive such Compensation, be bound to discharge such other Duties on the same Terms on which, whether gratuitously or otherwise, he discharged or was liable to discharge the same before the passing of this Act.

Clause F f. Compensation to Proctors.

CX. Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into and may, by the Production of such Evidence as they shall think fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors in Matters and Causes Testamentary, on an Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of Five Years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as shall be equal in Value to One Half of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon the said Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of the said Five Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

CXI. And

CLAUSE G g. Compensation to Proctors in Partnership.

CXI. And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the 5 Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof as herein-before provided, to each of such Partnerships, in like manner as if all the Emoluments thereof had been derived by One Individual, 10 and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, Regard being had to the existing Terms and Conditions of the same.

CLAUSE H h. Temporary Fund for the Payment of Compensations.

CXII. Whereas it is expedient to provide a temporary Fund for the Payment of the Compensations under the Provisions of this Act: 15 Be it enacted, That in future the proctorial Fee at present received and taken by the Proctors practising in England or Wales in respect of Grants of Probate and Administration shall be levied, raised, and collected, and paid into the Testamentary Office, to be placed to the Account of the "Testamentary Fee Fund Account:" Provided, that as 20 the respective Annuities allotted under this Act by way of Compensation shall from Time to Time cease, and after the Commissioners of Her Majesty's Treasury have been repaid all Sums of Money, with Interest thereon, which they may have advanced in carrying into effect the Provisions of this Act, it shall be lawful for the Lord 25 Chancellor, and he is hereby required, from Time to Time to reduce, as he may deem necessary and proper, the Fees so to be levied and paid.

CLAUSE I i. For the Protection of the Interests of Viscount Canterbury.

CXIII. And whereas the Most Reverend Charles late Archbishop of Canterbury, by virtue of the Power given by an Act of the Ninth Year of King George the Fourth, "to authorize the Lord Arch- 30 "bishop of Canterbury for the Time being to appoint a Person or Per- "sons to the Office of Registrar of his Prerogative, without a previous "Surrender of the existing Grant or Grants of the said Office," did, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of June One thousand eight hundred and twenty-eight, with 35 the Confirmation of the Dean and Chapter of the Cathedral and Metropolitical Church of Christ, Canterbury, grant the said Office of Registrar of his Prerogative to the Right Honourable Charles Manners Sutton, now Viscount Canterbury, then Charles Manners Sutton, Esquire, the eldest Son and next Heir Male of the Right Honourable 40 Charles Manners Sutton, late Viscount Canterbury, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the Reverend George Moore and Robert Moore (who then held the said Office by virtue of such Grant as therein mentioned),

tioned), and the Survivor of them: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for settling and securing Annuities on the Right Honour- "able Charles Manners Sutton and on his next Heir Male, in con- "sideration of the eminent Services of the said Right Honourable "Charles Manners Sutton," it was enacted, that an Annuity of Four thousand Pounds should be payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said Right Honourable Charles Manners Sutton, late Viscount Canterbury, during his Life, and that after the Decease of the said Charles late Viscount Canterbury One Annuity of Three thousand Pounds be payable out of the said Consolidated Fund to the then Heir Male of the Body of the said Charles late Viscount Canterbury, during the natural Life of such Heir Male; and it was further enacted, that, in the event of the said Charles now Viscount Canterbury having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should cease and determine and be no longer payable to the said Charles now Viscount Canterbury: Provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said Charles now Viscount Canterbury, then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said Charles now Viscount Canterbury of Three thousand Pounds: And whereas the said Charles now Viscount Canterbury, upon the Decease of the said Charles late Viscount Canterbury, succeeded to and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar, there shall be awarded to the said Charles now Viscount Canterbury, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of Canterbury, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said Charles Viscount

2 & 3 W. 4. c. 109.

Viscount Canterbury shall then be in possession of the said Office, and if not, then from the Time at which the said Charles Viscount Canterbury would have become entitled, but for the passing of this Act, to the full Possession of the said Office, and to the Receipt of the Fees, 5 Perquisites, Profits, and Emoluments thereof, and shall be paid to the said Charles Viscount Canterbury thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the 10 said Charles Viscount Canterbury shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said Charles Viscount Canterbury; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the 15 Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King William the Fourth, for the Payment unto the Heir Male of the Body of the said Charles Viscount Canterbury, out of the said Consolidated Fund, of such a Sum of Money annually as, together with 20 the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, 25 Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said Charles now Viscount Canterbury during his Life.

CLAUSE J j. The Registry of Prerogative Court of Canterbury to vest in Registrars of the Court.

CXIV. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend Robert Moore, Clerk, has or 30 is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court, shall at the Time appointed for the Commencement of this Act vest in the Registrars for the Time being of the Court, subject to the Payment of such Rents, and the Performance and Fulfilment of such Contracts in respect thereof, 35 as the said Robert Moore, his Executors or Administrators, shall be subject to at the Time of such vesting.

CLAUSE K k. Compensation to Sir John Dodson in case he be not appointed Judge of the Court of Arches.

CXV. In case Sir John Dodson, the present Judge of the Prerogative Court of Canterbury and Dean of the Court of Arches, be not appointed the First Judge of the Court of Probate, there shall be paid 40 to him during his Natural Life, as well by way of Retiring Pension as of Salary as Dean of the Court of Arches, the net yearly Sum of Two thousand Pounds, to commence from the Time appointed for the

coming into operation of this Act, and to be paid out of the Fund and in manner herein provided for the Payment of Compensations.

Clause Ll. Establishments in District Registries.

CXVI. There shall be a Clerk, or so many Clerks, in each District Registry, and there shall be paid to such Clerk or Clerks such Salary or respective Salaries as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit to direct; and it shall be lawful for such Judge to prescribe from Time to Time the Qualifications which shall be possessed by Persons appointed to be Clerks in such District Registries, and generally to regulate the Establishment of such District Registries with reference to the Duties to be performed therein; and the Clerk or Clerks in each District Registry shall be appointed by the District Registrar, with the approval of the Judge; and every such Clerk may be removed by such Judge, or by the District Registrar with the Approval of the Judge.

Clause Mm. Fees payable to District Registrars. District Registrars may be paid by Salaries instead of Fees.

CXVII. Each District Registrar shall, out of the Fees taken by him in respect of the Business in his respective District Registry, pay the Salary or Salaries of the Clerk or Clerks in such Registry, and the Residue of such Fees shall be retained by such District Registrar to his own Use: Provided, that it shall be lawful for the Commissioners of Her Majesty's Treasury, at any Time after the Commencement of this Act, to order that the District Registrars under this Act, or any of them, shall be paid by Salaries instead of Fees, and to fix the Salaries to be payable to them respectively; and thereupon all Fees payable to the District Registrars so ordered to be paid by Salaries shall be accounted for and paid into the Exchequer, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom, and the Salaries of such District Registrars and of their Clerks shall be paid out of such Monies as shall be provided by Parliament for that Purpose, and no such District Registrar shall be deemed to have any Claim to Compensation on account of any Diminution of his Emoluments by Reason of any such Order.

CXVIII. It shall be lawful for the Commissioners of the Treasury to grant to every Clerical Surrogate, who, at the Time of the passing of this Act, shall have been appointed Surrogate in either of the Provinces of Canterbury or York, such Compensation for any Loss the said Surrogates may sustain by the passing of this Act, as the said Commissioners deem just and proper to be awarded; the said Commissioners having regard in awarding such Compensation to the

the Circumstance of the said Clerical Surrogates not being able to follow any other professional Employment in lieu of the said Office of Surrogate.

CLAUSE N n. Publication of Accounts.

CXIX. That the Judge of Her Majesty's Court of Probate for the Time being shall cause to be prepared in each Year ending December Thirty-one a Return of all Fees and Monies levied in such Year on account of the Testamentary Fee Fund, and of any other Fund under the Authority of this Act; also a Return of the Annual Salaries of the Judge of the said Court of Probate, and of the Registrars, Deputy Registrars, Clerks, and all others holding Offices either in London or in the Country Districts, with an Account of all the incidental Expenses relating to the Offices aforesaid, whether such Salaries and Expenses be defrayed out of Fees or out of any other Monies; also a Return of all Superannuations, Pensions, Annuities, Retiring Allowances and Compensations made payable under this Act in each Year, stating the gross Amount, and the Amount in detail of such Charges: Provided always, that all such Returns aforesaid shall be presented to both Houses of Parliament on or before the Thirty-first Day of March in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the Thirty-first Day of March in each Year.

CXX. The Judge of the Court, if a Privy Councillor, shall be a Member of the Judicial Committee of the Privy Council.

CLAUSE O o. Time of Payment of Salaries, &c.

CXXI. All Salaries, Compensations, and Superannuations, or retiring Allowances under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Judge of the Court of Probate shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account," under any Order to be made from Time to Time for that Purpose.

CLAUSE P p. Drafts on Testamentary Fee Fund.

CXXII. Every Draft or Order on the Bank of England for the Payment of Money out of the Testamentary Fee Fund Account shall be signed by the Registrars of the Court of Probate for the Time being, or any Two of them; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

Clause Qq. Power to order Surplus of Testamentary Fee Fund to be paid into the Exchequer.

If Fund insufficient to defray Salaries, &c. Same to be paid out of Money to be provided by Parliament.

CXXIII. If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Judge of the Court of Probate may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Commissioners of Her Majesty's Treasury shall direct the Amount of such Deficiency to be issued and paid out of such Monies as may be provided by Parliament for that Purpose.

CXXIV. And whereas, with reference to the Abolition of the Jurisdiction hereby abolished and otherwise, it is expedient to give, confirm, or extend certain Powers to or of "The College of Doctors of Law exercent in the Ecclesiastical and Admiralty Courts," incorporated under that Style and Title by Letters Patent, dated the Twenty-second Day of June, in the Eighth Year of His late Majesty King George the Third; be it enacted, That it shall be lawful for the said College from Time to Time hereafter to let, sell, or exchange for other Real or Personal Estate, or both, all or any Part of the Real and Personal Estate which shall for the Time being belong to the said College, either directly or through the Medium of any Trustee or Trustees, and to lay out the Monies to be received on any such Sale or Exchange, or otherwise, belonging to the said College as aforesaid, in the Purchase of other Real or Personal Estate, or both, but so that the said College shall not at any One Time hold or enjoy Real Estate of a yearly Value exceeding One thousand Pounds in the whole, and to pay, apply, and dispose of the Income of all the Real and Personal Estate which shall for the Time being belong to the said College as aforesaid, to or for the Benefit of such Body or Bodies Politic or Corporate, or Person or Persons, whether being or including, or not being or including, the said College, and all or any Individual, Members or Member thereof for the Time being, and generally for such Purposes and in such Manner as the said College shall think fit; and further, to alien and dispose of all or any Part of such Real and Personal Estate, and the Proceeds of any Sale thereof, either by way of Donation, voluntary Disposition, or otherwise, unto, between, or amongst any Body or Bodies Politic or Corporate, or any Person or Persons whatsoever, whether being or not being a Member or Members of the said College: Provided always, that no Donation or other voluntary Disposition

position of the Corpus, or any Part of the Corpus, of the Real and Personal Estate of the said College to any Person or Persons being a Member or Members thereof at the Time of such Donation or other voluntary Disposition shall be effectual, without the previous Consent thereto of a Majority of the Members of the said College present at any Meeting of the College, and the Receipt of the Treasurer for the Time being of the said College shall be an effectual Discharge for all gross annual and other Sums which shall for the Time being belong or be payable to the said College:

It shall be lawful for the said College, at any Time after a Resolution to that Effect shall have been come to at a Meeting of the College, by a Majority of the Members present at such Meeting, to surrender and yield up to Her Majesty, Her Heirs or Successors, at such Time as in such Resolution shall be determined, the Chapter of Incorporation of the said College, and all Franchises and Privileges thereby conferred, or which shall for the Time being belong to the said College; and upon and by such Surrender the said Corporation shall be dissolved, and shall cease to exist, for all Purposes whatsoever (except so far as its Existence may be requisite for the Saving of the Rights of Her Majesty, Her Heirs and Successors), and all and every Person and Persons, Body and Bodies Politic or Corporate whatsoever other than the said College, and all Real and Personal Estate which at the Time of such Dissolution of the said College shall belong to the said College for its own Use and Benefit, either directly or through the Medium of any Trustee or Trustees, shall thenceforth belong, for all the Estate and Interest therein which at the Time of such Dissolution belonged to the said College absolutely, to all the Persons who at the Time of such Dissolution thereof shall be the President and Fellowes of the said College, in equal Shares as Tenants in Common, to and for their own Use and Benefit respectively, but subject to any Charges or Incumbrances affecting the same at the Time of such Dissolution, and all Real and Personal Estate of which the said College at the Time of such Dissolution thereof be seised or possessed, upon any Trust or Trusts, shall thereupon become vested in the Four Persons who at the Time of such Dissolution shall be the President and Three Senior Fellowes of the said College, as joint Tenants, their Heirs, Executors, or Administrators, according to the Nature of the Real and Personal Estates respectively, upon the Trust or Trusts affecting the same respectively.

Treasury to provide the Buildings for Registries, &c.

CXXV. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be purchased, erected, hired, or otherwise provided such Offices and Buildings as may be suitable for the District Registries and Depository or Depo-

Depositories for Wills, and such Buildings, if any, as may be necessary for the Court and Principal Registry, in addition to the Building by this Act vested in the said Registrars, or after the Determination of their Interest in such Building.

Rules and Orders to be laid before Parliament.

CXXVI. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

SCHE-

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout ENGLAND and WALES.

Districts.	Places of District Registries.
County of Northumberland (*a*)	Newcastle-on-Tyne.
County of Durham - -	Durham.
Counties of Cumberland and Westmoreland.	Carlisle.
West Riding of the County of York.	Wakefield.
North Riding ditto - -	York.
East Riding ditto (*b*) - - including the City of York and Ainsty.	York.
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester.	Lancaster.
City of Manchester and Hundred of Salford.	Manchester.
Hundred of West Derby in Lancashire.	Liverpool.
County of Chester (*c*) - - -	Chester.
Counties of Carnarvon and Anglesea.	Bangor.
Counties of Flint, Denbigh, and Merioneth.	St. Asaph.
County of Derby - - -	Derby.
County of Nottingham (*d*) -	Nottingham.
Counties of Leicester and Rutland.	Leicester.
County of Lincoln (*e*) - -	Lincoln.
Counties of Salop and Montgomery.	Shrewsbury.
Northern Division of Northampton, and Counties of Huntingdon and Cambridge. (*f*)	Peterborough.
County of Norfolk (*g*) -	Norwich.
Eastern Division of the County of Suffolk and North Division of the County of Essex.	Ipswich.
Western Division of the County of Suffolk - - -	Bury St. Edmunds.
County of Bedford and Southern Division of Northamptonshire. (*h*)	Northampton.
County of Warwick (*i*) -	Birmingham.
County of Stafford (*k*) -	Lichfield.
Counties of Radnor, Brecknock, and Hereford.	Hereford.
Counties of Cardigan, Carmarthen (*l*), and Pembroke (*m*)	Carmarthen.
Counties of Glamorgan and Monmouth.	Llandaff.
County of Worcester (*n*) -	Worcester.
County of Gloucester (*o*), except the present Bristol County Court District.	Gloucester.
Bristol and Bath present County Court Districts.	Bristol.
Counties of Oxford (*p*), Berks, Bucks.	Oxford.
Eastern Division of the County of Somerset, except the present Bath County Court District, and the Part in Somersetshire of the present Bristol County Court District.	Wells.
Western Division of the County of Somerset.	Taunton.
County of Devon (*q*) - -	Exeter.
County of Cornwall - -	Bodmin.
County of Wilts - -	Salisbury.
County of Dorset (*r*) - -	Blandford.
County of Hants (*s*) - -	Winchester.
Eastern Division of the County of Sussex. (*t*)	Lewes.
Western Division of the County of Sussex.	Chichester.
East Division of the County of Kent. (*u*)	Canterbury.

The Divisions of Counties referred to in the Schedule are the Divisions of the same Counties described for Election Purposes in the Act of the Second and Third Years of King William the Fourth, Chapter Sixty-four, and the Cities and Towns herein referred to are to be taken to include the Counties of such Cities and Towns as are Counties of themselves.

(*a*) Including the Towns and Counties of Newcastle-on-Tyne and Berwick-upon-Tweed.
(*b*) Including the Town and County of Kingston-on-Hull.
(*c*) Including the City of Chester.
(*d*) Including the Town of Nottingham.
(*e*) Including the City of Lincoln.
(*f*) Including the University of Cambridge.
(*g*) Including the City of Norwich.
(*h*) Including the Town of Northampton.
(*i*) Including the City of Coventry.
(*k*) Including the City of Lichfield.
(*l*) Including the Town of Carmarthen.
(*m*) Including the Town of Haverfordwest.
(*n*) Including the City of Worcester.
(*o*) Including the City of Gloucester.
(*p*) Including the University of Oxford.
(*q*) Including the City of Exeter.
(*r*) Including the Town of Poole.
(*s*) Including the Town of Southampton.
(*t*) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.
(*u*) Including the City of Canterbury and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

SCHEDULE (B.)

	Annual Salary. £
The Three Registrars in London, each - -	1,500
The Record Keepers, each - - - -	600
The Sealer - - - - -	300

Probates and Letters of Administration.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to amend the Law relating to Probates and Letters of Administration in England.

(*Brought from the Lords*, 8 *June* 1857.)

Ordered, by The House of Commons, *to be Printed*, 4 *August* 1857.

Under 6 *oz.*

[Bill 175.]

Probates and Letters of Administration (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Commencement of Act; Sect. 1.
Interpretation Clause; 2.
Short Title; 3.
Extent of Act; 4.
Testamentary Jurisdiction of Ecclesiastical and other Courts abolished; 5.
Testamentary Jurisdiction to be exercised by a Court of Probate; 6.
Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court; 7.
Judge's Tenure of Office; 8.
Judge to take Oath; 9.
Precedence of Judge, Secretary, &c.; 10.
Judge to be a Commissioner of Charitable Donations; 11.
Salaries; 12.
Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy; 13.
Retiring Pension; 14.
District Registries to be established; 15.
Lord Lieutenant may alter Districts; 16.
Officers of the Court of Probate; 17.
First Officers of the Principal Registry; 18.
Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate; 19.
Existing Diocesan Registrars to be entitled to be District Registrars at the same Places; 20.
Clerk of Peace to be in certain Cases District Registrar; 21.
Appointment to Offices. Salaries; 22.
Tenure of Office; 23.
Qualification of Registrars and District Registrars; 24.
Officers of the Court to execute their Offices in Person. Registrars and Clerks of the Principal Registry not to act as Proctors, &c.; 25.
Seal of the Court; 26.

The Court to have the same Powers as the Prerogative Court. Suits for Legacies or Distribution not to be entertained; 27.

Power to examine Witnesses. Production of Deeds, &c.; 28.

Powers of Court to enforce Orders; 29.

Order to produce any Instrument purporting to be testamentary; 30.

Registrars, &c. to have Power to administer Oaths. Power to appoint, also, Commissioners to administer Oaths, &c.; 31.

Forging or counterfeiting Seal or Signature of Officers. Penalty; 32.

Procedure of the Court; 33.

Judge may make Rules and Orders for regulating the Procedure of the Court; 34.

Mode of taking Evidence in contentious Matters; 35.

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend; 36.

Rules of Evidence in Common Law Courts to be observed; 37.

Common Law Judges may sit on Bequest; 38.

Court may direct Issues to Courts of Law; 39.

New Trials; 40.

Appeal; 41.

Advocates admitted to practise. Barristers may practise in contentious Causes; 42.

Proctors admitted to practise; 43.

Proctors admitted Solicitors; 44.

Admission of Articled Clerks to Proctors; 45.

Solicitors and Attornies admitted to practise in contentious Business; 46.

Probates and Administration may be granted in Common Form by District Registrars in certain Cases; 47.

Affidavit conclusive; 48.

District Registrars not to make Grants where there is Contention, &c.; 49.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge; 50.

District Registrars to transmit Lists every Fortnight of Probates and Administrations, and Copies of Wills; 51.

District Registrars to preserve original Wills; 52.

Caveats; 53.

Where Personalty under 200*l.*, and Real Property under 300*l.*, Assistant Barristers Court to have Jurisdiction; 54.

Clerk of the Peace of the County to transmit Certificate of Decree for Grant or Revocation of Probate; 55.

The

The Assistant Barrister to decide Causes and enforce Judgments as in other Cases; 56.

Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending; 57.

Appeal from the Assistant Barrister; 58.

Option of applying to Court of Probate in every Case; 59.

Judge to make Rules and Orders regulating the Procedure of Assistant Barristers Courts under the Act; 60.

Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited; 61.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate; 62.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate; 63.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue; 64.

As to Costs of Proof of Will; 65.

Repeal of 19 & 20 Vict. c. 113. ss. 31, 32, and 33;—66.

One General Registry for the Deposit of original Wills; 67.

Calendars to be made up and printed; 68.

Registrar to transmit printed Copies to certain Offices; 69.

Official Copy of whole or Part of Will may be obtained; 70.

Administration pendente lite; 71.

Receiver of Real Estate pendente lite; 72.

Remuneration to Administrators pendente lite and Receivers; 73.

Power as to Appointment of Administrator; 74.

38 G. 3. c. 87. (E.) extended to Ireland and to Administrators; 75.

After Grant of Administration no Person to have Power to sue as an Executor; 76.

Revocation of temporary Grants not to prejudice Actions or Suits; 77.

Payments under revoked Probates or Administration to be valid; 78.

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will; 79.

Sureties to Administration Bonds; 80.

Bond; 81.

Penalty on Bond; 82.

Power of Court to assign Bond; 83.

Pending Suits transferred to Court of Probate. Except Appeals; 84.

Power to Judges whose Jurisdiction is determined to deliver written Judgments; 85.

Void and voidable Probates and Administrations; 86.

Probates and Administrations granted before this Act comes into operation; 87.

Probate or Administration may be granted of Personal Estate not affected by the former Grants; 88.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry; 89.

Penalty for Default; 90.

Safe Custody of the Wills of living Persons; 91.

This Act not to affect the Stamp Duties on Probates and Administrations; 92.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue; 93.

54 G. 3. c. 14. ss. 9. & 10. repealed in part as to the Court of Probate; 94.

Judge to fix Table of Fees to be taken by Officers of Court and by Officers of Assistant Barristers Courts; 95.

Taxation of Costs; 96.

Fees not to be paid in Money, but by Stamps; 97.

Fees collected by Stamps, and paid to "The Testamentary Fee Fund Account;" 98.

Fees paid in Money to be paid to "The Testamentary Fee Fund Account;" 99.

Accountant General; 100.

Power to provide for incidental Expenses; 101.

Compensation to Registrars, &c. of existing Courts; 102.

Time of Payment of Salaries, &c.; 103.

Drafts on Testamentary Fee Fund; 104.

Power to order Surplus of Testamentary Fee Fund to be paid into the Exchequer. If Fund insufficient to defray Salaries, &c., Commissioners of the Treasury to provide for same; 105.

Rules and Orders to be laid before Parliament; 106.

SCHEDULES.

(Ireland.)

A

BILL

TO

Amend the Law relating to Probates and Letters of Administration in Ireland.

WHEREAS it is expedient to amend the Law relating to Probates and Letters of Administration, and that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in Ireland should be exercised, in the Name of Her Majesty, by One Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the *First Day of January One thousand eight hundred and fifty-eight*, as the Lord Lieutenant shall by Order in Council appoint, provided that such Order shall be made *One Month* at least previously to the Day so to be appointed. Commencement of Act.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned— Interpretation Clause.

"Will" shall comprehend "Testament" and all other Testamentary Instruments of which Probate may now be granted: "Will:"

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes: "Administration:"

"Matters and Causes Testamentary:" "Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration:

"Common Form Business:" "Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

"The Court:" "The Court" shall mean Her Majesty's Court of Probate hereby established, and shall also include the Judge of the said Court:

"Judge:" "The Judge" shall mean the Judge of the said Court:

"Court of Chancery:" "The Court of Chancery" shall mean the High Court of Chancery in Ireland:

"Accountant General:" "Accountant General" shall mean the Accountant General in the High Court of Chancery in Ireland:

"Prerogative Court:" "The Prerogative Court" shall mean Her Majesty's Court of Prerogative in Ireland:

"Lord Chancellor:" "Lord Chancellor" shall comprehend the Lord Chancellor and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Lord Lieutenant:" "Lord Lieutenant" shall include the Lords Justices or other Chief Governor or Governors of Ireland:

"Person:" "Person" shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual:

"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin:

"The Testamentary Office:" "The Testamentary Office" shall mean the Public Registry attached or belonging to Her Majesty's Court of Probate under this Act, and the Offices connected therewith:

"The District Office:" "The District Office" shall mean the Public Registry attaching or belonging to Her Majesty's Court of Probate in each District hereby established:

"Registrar:" "The Registrar" shall mean the principal Registrar and other Registrars of the Testamentary Office:

"District Registrar." "District Registrar" shall mean the Registrar of each District Office hereby established.

Short Title of Act. III. This Act may be cited as "The Testamentary Jurisdiction Act (Ireland), 1856."

Extent of Act. IV. This Act shall not extend to England or Scotland, except where expressly mentioned.

V. The

V. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in Ireland, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

VI. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in Ireland, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called "The Court of Probate," and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in Dublin as the Lord Lieutenant in Council shall from Time to Time appoint.

Testamentary Jurisdiction to be exercised by a Court of Probate.

VII. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of Ireland, to appoint a Person, being or having been a Barrister-at-Law of Fifteen Years Standing, to be such Judge: Provided, that the Person who, at the Time of the passing of this Act, may be the Judge of the Prerogative Court shall be the First Judge of Her Majesty's Court of Probate.

Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court.

VIII. The Judge shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judge's Tenure of Office.

IX. Every Judge of the Court shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls in Ireland for the Time being is hereby respectively authorized and required to administer:

'I A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate.

'So help me GOD.'

Judge to take Oath.

X. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts according to the Date of his Appointment,

Precedence of Judge, Secretary, &c.

Appointment, and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

The Judge to be a Commissioner of Charitable Donations and Bequests.

XI. The Judge shall be One of "the Commissioners of Charitable Donations and Bequests for Ireland," under Statute Seventh and Eighth Victoria, Chapter Ninety-seven, in lieu of "the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland." 5

Salaries.

XII. There shall be paid to the Judge the net yearly Salary of *Pounds*, and to his Secretary the net yearly Salary of *Three hundred Pounds*, and to his Usher the net yearly Salary of *Pounds*. 10

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

XIII. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty in Ireland, it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, and after the Union of the said Two Offices they shall be thenceforth held by the same Person. 15

Retiring Pension.

XIV. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate an Annuity, not exceeding Pounds, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of *Fifteen* Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity for Periods amounting together to *Fifteen* Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant. 20 25 30 35

District Registries to be established.

XV. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry." 40

XVI. It

XVI. It shall be lawful for the Lord Lieutenant in Council from Time to Time to alter the said Districts or any One or more of them, and add to or reduce the Number thereof, and to direct that the District Registry shall be held at such Place within the District as to the Lord Lieutenant in Council shall appear most convenient and suitable.

Lord Lieutenant may alter Districts.

XVII. There shall be Two Registrars, One Record Keeper, and One Sealer for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to the Lord Lieutenant in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by One Registrar, it shall be lawful for the Lord Lieutenant by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

Officers of the Court of Probate.

XVIII. Esquires, the present Deputy Registrars of the Prerogative Court shall be the First Registrars of the Principal Registry of the Court of Probate; the present Record Keepers of the said Prerogative Court shall be the First Record Keepers at the said Principal Registry, and the present Sealer of the said Prerogative Court shall, if willing to accept the Office, be the First Sealer at the said Principal Registry.

First Officers of the Principal Registry.

XIX. The other Clerks and Officers now employed in the said Prerogative Court shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Judge may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Judge, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the said Judge shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

XX. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court at any Place at which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such One of them as the Judge shall select, shall be appointed the First District Registrar for such District,

Existing Diocesan Registrars to be entitled to be District Registrars at the same Places.

save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar.

Clerk of Peace to be appointed District Registrar in certain Cases.

XXI. In case there shall be no Person competent to fill the Office of District Registrar for any District within the Meaning of the last preceding Section, and also on the Death, Resignation, or Removal of any Person appointed to fill such Office, the Judge shall appoint the Clerk of the Peace for the County or County of a City in which the District Registry is situate, or if he shall be from any Cause incompetent or shall be removed then some other Clerk of the Peace within the District, to be the District Registrar, and the Office of such Clerk of the Peace shall be the District Registry.

Appointment to Offices.

Salaries.

XXII. The Registrars and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge, but subject to the Approval of the Lord Chancellor: There shall be paid to the several Officers mentioned in Schedule B. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office.

XXIII. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars.

XXIV. No Person shall be appointed a Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in Ireland.

Officers of the Court to execute their Offices in Person.

Registrars and Clerks

XXV. All Registrars, District Registrars, Officers, and Clerks of the Court shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise

practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

of the Principal Registry not to act as Proctors, &c.

XXVI. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, 5 and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof respectively, purporting to be sealed with any Seal 10 of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

Seal of the Court.

XXVII. The Court shall be a Court of Record, and shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all Ireland, and in relation to the Personal Estate in all 15 Parts of Ireland of deceased Persons, as the Prerogative Court and its Grants and Orders respectively now have in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed 20 on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be 25 entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

The Court to have throughout all Ireland the same Powers as the Prerogative Court.

Suits for Legacies or Distribution not to be entertained.

XXVIII. The Court may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters 30 or Causes Testamentary, or may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits 35 or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of the 40 Superior Courts of Law; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding *One hundred Pounds.*

Power to examine Witnesses.

Production of Deeds, &c.

Powers of Court to enforce Orders.

XXIX. The Court shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Order to produce any Instrument purporting to be testamentary.

XXX. The Court may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

XXXI. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the

the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness so desiring to make an Affidavit or Deposition in any of the Superior Courts 5 would now be permitted so to do; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and 10 corrupt Perjury.

Forging or counterfeiting Seal or Signature of Officers.

XXXII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence 15 any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his life or any Term 20 not less than *Seven* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard Labour.

Penalty.

Procedure of the Court.

XXXIII. The Procedure and Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as 25 the Circumstances of the Case will admit, according to the present Form and Manner of Procedure and Practice in the Prerogative Court, and, except as aforesaid, all Statutes, and all Laws, Usages, and Practices now in force in the Prerogative Court shall apply to and be observed by the Court of Probate, in the same Manner as such 30 Statutes, Laws, Usages, and Practices apply to and are observed by the Prerogative Court.

Judge may make Rules and Orders for regulating the Procedure of the Court.

XXXIV. It shall be lawful for the Judge of the Court of Probate, with the Concurrence of the Lord Chancellor and of the Lord Chief Justice of the Court of Queen's Bench in Ireland, or any One of the 35 Judges of any of the Superior Courts of Law to be by such Chief Justice named in that Behalf, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and 40 what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect, and from Time

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to Time to repeal, amend, or alter any such Rules and Orders, as to him, with such Concurrence as aforesaid, may seem fit.

Mode of taking Evidence in contentious Matters.

XXXV. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party, orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend. 3 & 4 Vict. c. 105.

XXXVI. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Dublin by the Act of the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and five, for enabling theCourts of Law at Dublin to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at Dublin, and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XXXVII. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

Common Law Judges may sit, on Request.

XXXVIII. It shall be lawful for the Judge of the Court to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law, who, upon the Request of the Judge of the Court, may find it convenient to attend for that Purpose.

XXXIX. It

XXXIX. It shall be lawful for the Court to direct an Issue on any Question of Fact arising in any Suit or Proceeding under this Act to be tried in any of the Superior Courts of Common Law, in the same Manner as any Issue may now be directed by the Court of Chancery, and such Issue shall be tried accordingly: An Issue shall be so directed in any Case where an Heir at Law cited or otherwise made Party to the Suit or Proceeding makes Application to the Court of Probate for that Purpose, and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application; and where any Party or Parties other than such Heir at Law make a like Application, the other Party or Parties not concurring therein, and the Court shall refuse to direct such Issue, such Decision of the Court shall be subject to Appeal as herein provided concerning its Orders and Decrees respectively.

Court may direct Issues to Courts of Law.

XL. Where an Issue is directed as aforesaid to be tried in any of the Superior Courts of Common Law, all Motions for new Trials shall be made and disposed of in such Court of Common Law, subject to the Provisions as to Appeal, and other Provisions concerning new Trials and Applications in relation thereto, which may be in force in such Court, and the ultimate Verdict on such Issue shall be conclusive as to the Question of Fact.

New Trials.

XLI. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Appeal to the House of Lords.

XLII. All Persons who at the Time of the passing of this Act have been admitted Advocates in the Prerogative Court shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Barristers-at-Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court.

Advocates admitted to practise.

Barristers may practise in contentious Causes.

XLIII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Prerogative Court, may, upon his Application, at any Time within *One Year* after the passing of this Act, be admitted a Proctor of the Court of Probate without Payment of any Fee or Stamp Duty: And, except as herein otherwise provided, the Admission of Persons to be Proctors of the Court shall be in the Discretion of the Judge, subject to the Rules or Orders to be made under this Act: And the Proctors for the Time being of the Court of Probate shall have the same Rights

Proctors admitted to practise.

and be subject to the same Obligations and Liabilities in respect of the Transaction of the Common Form Business as the Proctors of the Prerogative Court now have and are subject to in respect of the Transaction of the Common Form Business of the last-mentioned Court: Provided that nothing herein contained shall be taken to give any Proctors now practising, or any Persons hereafter admitted, any Claim or Title to Compensation in case the Transaction of the Business of the Court of Probate be thrown open to any other Class or Classes of Persons, or otherwise be regulated under the Rules or Orders to be made under this Act or by the Authority of any future Act of Parliament; provided also, that it shall be lawful for the Judge of the Court, if he shall think fit, to admit any Persons, or by Rules or Orders under this Act to direct the Admission of any Class or Classes of Persons, to practise as Proctors in all or any of the District Registries of the Court, but nothing herein or in such Rules or Orders shall prevent Parties from applying to such District Registries and acting in relation to their Applications without the Intervention of Proctors.

Admission of Proctors as Solicitors.

XLIV. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor of the Court of Prerogative may, within *One Year* after the passing of this Act, be admitted without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an Official Certificate thereof; and upon the Production of an Official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

Admission of Articled Clerks to Proctors.

XLV. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Prerogative Court, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled at any Time within *One Year* after his having completed his full Term of Service as such Articled Clerk, to be admitted a Proctor of the Court of Probate, and shall thereupon also be entitled to be admitted as a Solicitor and Attorney under the Provisions of the last preceding Section.

Solicitors and Attorneys admitted to practise in

XLVI. In all contentious Causes and Matter any Solicitor of the High Court of Chancery, or any Attorney of the Superior Courts of Law at Dublin, shall be at liberty to practise in the Court of Probate,

Probate, with the same Rights and subject to the same Obligations and Liabilities as a Proctor of the Court. contentious Business.

XLVII. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and that the Personal Estate of the Deceased in respect of which Probate or Administration should be granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of *One thousand five hundred Pounds;* and all Grants of Probate and Letters of Administration granted by such District Registrars shall be deemed Grants by the Court, and shall have effect over the Personal Estate of the Deceased in all Parts of Ireland accordingly. Probates and Administration may be granted in Common Form by District Registrars, in certain Cases.

XLVIII. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death, or by reason that the Personal Estate so sworn to be under the Value of *One thousand five hundred Pounds* did in fact amount to or exceed that Value; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit as is hereby required. Affidavit conclusive.

XLIX. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form. District Registrars not to make Grants where there is Contention, &c.

L. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Manner of the Application according to such Instructions as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to the Court of the Assistant Barrister. 5

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

LI. On the *First* and *Third Thursday* of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding Saturday, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates. 10 15

District Registrars to preserve original Wills.

LII. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same. 20

Caveats.

LIII. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same. 25 30 35

Where Personalty under 200*l.*, and Real Property under 300*l.*, Assistant Barrister to

LIV. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive 40

sive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of *Two hundred Pounds*, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of *Three hundred Pounds*, the Assistant Barrister having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person in case there be any Contention in relation thereto.

have Jurisdiction.

LV. On a Decree being made by an Assistant Barrister for the Grant or Revocation of a Probate or Administration in any such Cause, the Clerk of the Peace of the County shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LVI. The Assistant Barrister before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgement therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the Court of such Assistant Barrister.

The Assistant Barrister to decide Causes and enforce Judgments as in other Cases.

LVII. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Assistant Barrister under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason

Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending.

that the Personal Estate sworn to be under the Value of *Two hundred Pounds* did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded *Three hundred Pounds:* Provided that where it shall be shown to the Assistant Barrister before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

Appeal from Assistant Barrister.

LVIII. Any Party who shall be dissatisfied with the Determination of the Assistant Barrister in Point of Law or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act may appeal from the same in like Manner as is provided by the Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, and the Provisions of the said Act and any Act amending the same shall extend to and be applicable to such Appeals.

14 & 15 Vict. c. 57.

Option of applying to Court of Probate in every Case.

LIX. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registrar, or Assistant Barrister of any County, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Assistant Barrister, the Court of Probate may send the Cause to the Court of such Assistant Barrister, who shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Judge to make Rules and Orders regulating the Procedure of Assistant Barristers Courts under the Act.

LX. It shall be lawful for the Judge of the Court, with the Assistance of Two or more of the Assistant Barristers to be for that Purpose named by the Lord Chancellor, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Assistant Barristers Courts, and the Judges and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act.

LXI. Where

LXI. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will, shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

LXII. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

LXIII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LXIV. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, *Seven* Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within *Three* Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

As to Costs of Proof of Will.

LXV. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Repeal of 19 & 20 Vict. c. 113. ss. 31, 32, and 33.

LXVI. The Thirty-first, Thirty-second, and Thirty-third Sections of "The Common Law Procedure Act, 1856," are hereby repealed.

Place of Deposit of original Wills.

LXVII. There shall be One Place of Deposit under the Control of the Court, at such Place in Dublin as the Lord Lieutenant may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

LXVIII. The

LXVIII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Calendars to be made up and printed.

LXIX. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Court of Probate in London, the Office of the Commissary of the County of Midlothian, in Edinburgh, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of *One Shilling* for each Search, without Reference to the Number of Calendars inspected.

Registrar to transmit printed Copies to certain Offices.

LXX. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Official Copy of whole or Part of Will may be obtained.

LXXI. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Administration pendente lite.

LXXII. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of

Receiver of Real Estate pendente lite.

of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct. 5

Remuneration to Administrators pendente lite and Receivers.

LXXIII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit. 10

Power as to Appointment of Administrator.

LXXIV. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit. 15 20 25 30

38 G. 3. c. 87. (England), extended to Ireland, and to apply to Administrators.

LXXV. Whereas it is expedient that the Powers given by the Act of the Thirty-eighth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-seven, should be exercised by the Court of Probate in Ireland, and that the like Powers should be extended to cases where Administrators are residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in Ireland: Be it therefore enacted, That at the Expiration of *Twelve* Calendar Months from the Death of any Testator or Intestate, if the Executor to whom Probate has been granted, or the Administrator to whom Administration has been granted, by the Court, be residing out of the Jurisdiction of Her Majesty's Courts of Law or Equity in Ireland, the Court shall upon the Application of any Creditor next of Kin or 35 40

or Legatee, grounded upon an affidavit, have and exercise all the Powers by the said Act given to the Ecclesiastical Courts in England, in Cases where the Executor to whom Probate has been granted by any of such Courts is residing out of the Jurisdiction of the Courts 5 of Law and Equity in England, and all the Powers by the said recited Act given to Courts of Equity in England shall, so far as relates to Property and to Suits in Ireland, be exercised by the Court of Chancery in Ireland, and the Powers thereby given to the Accountant-General of the High Court of Chancery in England, or to 10 the Secretary or Deputy-Secretary of the Governor or Company of the Bank of England, shall be exercised by the Accountant-General of the Court of Chancery in Ireland, and by the Officers and the Governor and Company of the Bank of Ireland respectively.

After Grant of Administration no Person to have Power to sue as an Executor.

LXXVI. After any Grant of Administration, no Person shall have 15 Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXVII. Where before the Revocation of any temporary Adminis- 20 tration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made 25 consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Payments under revoked Probates or Administration to be valid.

30 LXXVIII. Where any Probate or Administration is revoked under this Act, all Payments bonâ fide made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any 35 such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Rights of an Executor renouncing Probate to cease as if he had not been

LXXIX. Where any Person, after the *Commencement of this Act*, 40 renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the

named in the Will.

Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Sureties to Administration Bonds.

LXXX. So much of an Act passed by the Parliament of Ireland in the Seventh Year of King William the Third, Chapter Six, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed. 5

Bond.

LXXXI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct. 10 15

Penalty on Bond.

LXXXII. Such Bond shall be in a Penalty of *double* the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable. 20 25

Power of Court to assign Bond.

LXXXIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond. 30 35

Pending Suits transferred to Court of Probate.

LXXXIV. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in Ireland respecting any Grant of Probate or Administration shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Prac- 40

tice

tice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred.

Except Appeals.

LXXXV. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court under the Enactment herein-before contained shall have been heard before any Judge or Court having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge or Court may, at any Time within *Six* Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall be so delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

LXXXVI. All Grants of Probates and Administrations made before the *Commencement of this Act*, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the *Commencement of this Act* have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate o Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within *Six* Calendar Months after the Death of such Party.

Void and voidable Probates and Administrations.

LXXXVII. Legal Grants of Probate and Administration made in Ireland before the *Commencement of this Act*, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; and all

Probates and Administrations granted before this Act comes into operation.

Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

LXXXVIII. Provided that where any Probate or Administration has been granted before the *Commencement of this Act*, and the Deceased had personal Estate in Ireland not within the Limits of the Jurisdiction of the Court by which the Probate or Anministration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

LXXXIX. The Acting Judge and Registrar of every Court and other Person in Ireland now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Penalty for Default.

XC. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of *One hundred Pounds*, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Safe Custody of the Wills of living Persons.

XCI. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited

deposited therein for safe Custody; and all Persons may Deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

This Act no to affect the StampDuties on Probates and Administrations.

5 XCII. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for 10 securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and 15 the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

XCIII. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be 20 delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in 25 every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

54 G. 3. c. 68. ss. 9, 10. repealed in part as to the Court of Probate.

XCIV. Whereas by an Act passed in the Fifty-fourth Year of King George the Third, Chapter Sixty-eighth, it is enacted, that if any 30 Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in 35 such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee or Reward, or with a view 40 to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned:

tioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Judge to fix Table of Fees to be taken by Officers of Court and by Officers of Assistant Barristers Courts.

XCV. The Judge of the Court, with such Concurrence as is herein-before required as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the *passing of this Act*, fix a Table of Fees to be taken by the Officers of the Court of Probate and the Proctors practising therein, including the District Registrars and the Proctors practising in District Registries, and a Table of Fees to be taken by the Officers of the Assistant Barristers Courts in respect of Business under this Act, and of the Fees to be payable in respect of Searches, Inspection, and printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and he is hereby empowered from Time to Time, with such Concurrence as aforesaid, to add to, reduce, alter, or amend the same as he may see fit; and he shall cause every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, to be published in the "Dublin Gazette;" and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors.

Taxation of Costs.

XCVI. The Bill of any Proctor for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

XCVII. None of the Fees payable to the Officers of the Court of Probate or of any County Court in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, and except as herein-after mentioned, shall be received in Money, *but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Judge may order*

order any Fees which cannot in his Opinion conveniently be collected by Stamps to be received in Money.

XCVIII. All the Provisions of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her present Majesty, "for 5 " the Relief of Suitors of the High Court of Chancery," Chapter Eighty-seven, and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall, for the Purposes of this Act, extend to Ireland, and apply to the Fees to be received under this Act, save only that the Commissioners of Inland 10 Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under this Act, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and the said Commissioners may pay and deduct and retain out of such Moneys all such 15 Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Judge shall by Rules and Orders under this Act direct, pay the same into the Bank of Ireland to the Credit of an Account there to be opened 20 in the Names of the Registrars of the Court of Probate, and to be entitled " The Testamentary Fee Fund Account."

Fees collected by Stamps, and paid to "The Testamentary Fee Fund Account."

XCIX. Such of the Fees payable to the Officers of the Court of Probate and to Officers of County Courts in respect of Business under this Act as the Judge of the Court of Probate shall direct 25 to be collected in Money (except the Fees of District Registrars and such as may be authorized to be taken for their own Use by the Commissioners for administering Oaths) shall, at such Times and in such Manner as he shall direct, be paid into the Bank of Ireland, to the Credit of " The Testamentary Fee Fund Account."

Fees paid in Money to be paid to "The Testamentary Fee Fund Account."

30 C. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant General shall carry into effect the Orders of the Court in the same Manner as if they were Orders of the Court of Chancery.

Accountant General.

35 CI. The Judge of the Court of Probate may, by Rules and Orders under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of " The Testamentary Fee Fund Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings of or connected with the Court 40 and its Registries as he may think necessary, and for the Rent, Taxes, Rates, Insurances from Fire, and other Outgoings charged

Power to provide for incidental Expenses.

upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court of Probate and Principal and District Registries, and for all other necessary Expenses relating thereto or incidental to the Sittings of the Court and carrying the Provisions of this Act into effect, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testamentary, and for the Books and Stationery which may be required for the Business of the Court and of the Principal and District Registries, and for the making, copying, writing, printing, correcting, and examining official Documents and Records of the Court and of the Principal and District Registries.

Compensation to Registrars, &c. of existing Courts.

CII. It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices in the Court of Probate, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments, and the Periods during which they have held and discharged the Duties of the same, the said Commissioners deem just and proper to be awarded; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for *Fifteen* Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: Provided always, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

CIII. All

CIII. All Salaries, Compensations, and Superannuations, or retiring Allowances under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Judge of the Court of Probate shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account," under any Order to be made from Time to Time for that Purpose.

Time of Payment of Salaries, &c.

CIV. Every Draft or Order on the Bank of England for the Payment of Money out of the Testamentary Fee Fund Account shall be signed by the Registrar of the Court of Probate for the Time being, or any Two of them; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

Drafts on Testamentary Fee Fund.

CV. If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Judge of the Court of Probate may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, *the Commissioners of Her Majesty's Treasury shall direct the Amount of such Deficiency to be issued and paid out of the said Consolidated Fund.*

Power to order Surplus of Testamentary Fee Fund to be paid into the Exchequer.

If Fund insufficient to defray Salaries, &c., Commissioners of the Treasury to provide for same.

CVI. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within *One Month* after the Commencement of the then next Session of Parliament.

Rules and Orders to be laid before Parliament.

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout IRELAND.

Districts.	Places of District Registries.	Districts.	Places of District Registries.

SCHEDULE (B.)

	Annual Salary. £
The Registrars in Dublin, each - - - - -	
The Record Keeper - - - - - -	
The Sealer - - - - - - -	

Probates and Letters of Administration (Ireland).

A

BILL

To amend the Law relating to Probates and Letters of Administration in Ireland.

(Prepared and brought in by Mr. Attorney General for Ireland and Mr. Herbert.)

Ordered, by the House of Commons, *to be Printed,* 26 *June* 1857.

[Bill 95.]

Under 5 oz.

31 *July* 1857. 20 & 21 Vict.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Probates and Letters of Administration in Ireland.

WHEREAS it is expedient to amend the Law relating to Probates and Letters of Administration, and that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in Ireland should be exercised, in the Name of Her Majesty, by One Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as the Lord Lieutenant shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned— Interpretation Clause.

"Will" shall comprehend "Testament" and all other Testamentary Instruments of which Probate may now be granted: "Will:"

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes: "Administration:"

"Matters and Causes Testamentary:" "Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration:

"Common Form Business:" "Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

"The Court:" "The Court" shall mean Her Majesty's Court of Probate hereby established, and shall also include the Judge of the said Court:

"Judge:" "The Judge" shall mean the Judge of the said Court:

"Court of Chancery:" "The Court of Chancery" shall mean the High Court of Chancery in Ireland:

"Accountant General:" "Accountant General" shall mean the Accountant General in the High Court of Chancery in Ireland:

"Prerogative Court:" "The Prerogative Court" shall mean Her Majesty's Court of Prerogative in Ireland:

"Lord Chancellor:" "Lord Chancellor" shall comprehend the Lord Chancellor and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Lord Lieutenant:" "Lord Lieutenant" shall include the Lords Justices or other Chief Governor or Governors of Ireland:

"Person:" "Person" shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual:

"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin:

"The Testamentary Office:" "The Testamentary Office" shall mean the Public Registry attached or belonging to Her Majesty's Court of Probate under this Act, and the Offices connected therewith:

"The District Office:" "The District Office" shall mean the Public Registry attaching or belonging to Her Majesty's Court of Probate in each District hereby established:

"Registrar:" "The Registrar" shall mean the principal Registrar and other Registrars of the Testamentary Office:

"District Registrar." "District Registrar" shall mean the Registrar of each District Office hereby established.

Short Title of Act. III. This Act may be cited as "The Testamentary Jurisdiction Act (Ireland), 1856."

Extent of Act. IV. This Act shall not extend to England or Scotland, except where expressly mentioned.

V. The

V. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in Ireland, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

VI. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in Ireland, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called "The Court of Probate," and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in Dublin as the Lord Lieutenant in Council shall from Time to Time appoint.

Testamentary Jurisdiction to be exercised by a Court of Probate.

VII. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of Ireland, to appoint a Person, being or having been a Barrister-at-Law of Fifteen Years Standing, to be such Judge: Provided, that the Person who, at the Time of the passing of this Act, may be the Judge of the Prerogative Court shall be the First Judge of Her Majesty's Court of Probate; and provided, that no Person holding the said Office of Judge shall be capable of being elected or being a Member of the present or any future House of Commons.

Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court.

VIII. The Judge shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judge's Tenure of Office.

IX. Every Judge of the Court shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls in Ireland for the Time being is hereby respectively authorized and required to administer:

Judge to take Oath.

'I A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate.

'So help me GOD.'

Precedence of Judge, Secretary, &c.

X. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts according to the Date of his Appointment and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

The Judge to be a Commissioner of Charitable Donations and Bequests.

XI. The Judge shall be One of "the Commissioners of Charitable Donations and Bequests for Ireland," under Statute Seventh and Eighth Victoria, Chapter Ninety-seven, in lieu of "the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland."

Salaries.

XII. There shall be paid to the Judge the net yearly Salary of Three thousand five hundred Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of Fifty Pounds.

Clause A. Repeal of 7 & 8 G. 4. c. 44. as to Salaries.

XIII. From and after the passing of this Act, so much of the Statute passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Forty-four, as relates to the Payment of a Salary of Three thousand Pounds to the Judge of the Prerogative Court and Court of Faculties in Ireland shall be and is hereby repealed.

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

XIV. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty in Ireland, it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, and after the Union of the said Two Offices they shall be thenceforth held by the same Person.

Retiring Pension.

XV. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate an Annuity, not exceeding Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such

such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

District Registries to be established.

XIV. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry."

Lord Lieutenant may alter Districts.

XVII. It shall be lawful for the Lord Lieutenant in Council from Time to Time to alter the said Districts or any One or more of them, and add to or reduce the Number thereof, and to direct that the District Registry shall be held at such Place within the District as to the Lord Lieutenant in Council shall appear most convenient and suitable.

Officers of the Court of Probate.

XVIII. There shall be Two Registrars, One Record Keeper, and One Clerk of the Seal for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to the Lord Lieutenant in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by One Registrar, it shall be lawful for the Lord Lieutenant by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

First Officers of the Principal Registry.

XIX. Maurice Keatinge and Anthony J. Hawkins, Esquires, the present Deputy Registrars of the Prerogative Court, shall be the First Registrars of the Principal Registry of the Court of Probate; the present Clerk of the Records of the said Prerogative Court shall be the First Record Keeper at the said Principal Registry, and the present Senior Clerk and Clerk of the Seal of the said Prerogative Court shall, if willing to accept the Office, be the First Clerk of the Seal at the said Principal Registry.

Clerks and Officers of Prerogative Court to be transferred to like Of-

XX. Such of the other Clerks and Officers now employed in the said Prerogative Court (whose Services shall be necessary) shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Judge with the Approval of the Chancellor

fices in Court of Probate.

cellor may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Judge, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the Judge shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be District Registrars at the same Places.

XXI. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court at any Place at which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such One of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar.

Clerk of Peace to be appointed District Registrar in certain Cases.

XXII. In case there shall be no Person competent to fill the Office of District Registrar for any District within the Meaning of the last preceding Section, and also on the Death, Resignation, or Removal of any Person appointed to fill such Office, the Judge shall appoint the Clerk of the Peace for the County or County of a City in which the District Registry is situate, or if he shall be from any Cause incompetent or shall be removed then some other Clerk of the Peace within the District, to be the District Registrar, and the Office of such Clerk of the Peace shall be the District Registry.

Appointment to Offices.

Salaries.

XXIII. The Registrars and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge, but subject to the Approval of the Lord Chancellor: There shall be paid to the several Officers mentioned in Schedule B. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Approval of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office.

XXIV. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the

the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars.

XXV. No Person shall be appointed a Registrar who shall not be 5 or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in Ireland.

Officers of the Court to execute their Offices in Person.

Registrars and Clerks of the Principal Registry not to act as Proctors, &c.

XXVI. All Registrars, District Registrars, Officers, and Clerks of 10 the Court shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or 15 receive or participate in the Fees of any other Person so practising.

Seal of the Court.

XXVII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, 20 altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

The Court to have throughout all Ireland the same Powers as the Prerogative Court.

Suits for Legacies or Distribution not to be entertained.

25 XXVIII. The Court shall be a Court of Record, and shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all Ireland, and in relation to the Personal Estate in all Parts of Ireland of deceased Persons, as the Prerogative Court and its Grants and Orders respectively now have in relation to those 30 Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or 35 Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

Power to examine Witnesses.

40 XXIX. The Court may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters

or Causes Testamentary, or may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of the Superior Courts of Law; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

Production of Deeds, &c.

Powers of Court to enforce Orders.

XXX. The Court shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Order to produce any Instrument purporting to be testamentary.

XXXI. The Court may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

XXXII. The

XXXII. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness so desiring to make an Affidavit or Deposition in any of the Superior Courts would now be permitted so to do; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

XXXIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Forging or counterfeiting Seal or Signature of Officers.

Penalty.

XXXIV. The Procedure and Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court

Practice of the Court.

CLAUSE B.

XXXV. And to the Intent and End that the Procedure and Practice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the

Rules and Orders to be made for regulating the Procedure of the Court.

Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, and of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and, after the Time when this Act shall come into operation, it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, or alter any such Rules and Orders, as to him, with such Concurrence as aforesaid, may seem fit.

Mode of taking Evidence in contentious Matters.

XXXVI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party, orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend. 3 & 4 Vict. c. 105.

XXXVII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Dublin by the Act of the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and five, for enabling theCourts of Law at Dublin to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said

said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at Dublin, and the Matter before it were an Action pending in such Court.

XXXVIII. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

Rules of Evidence in Common Law Courts to be observed.

XXXIX. It shall be lawful for the Judge of the Court to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law, who, upon the Request of the Lord Chancellor, may find it convenient to attend for that Purpose.

Common Law Judges may sit, on Request.

CLAUSE C.

XL. In case of Illness or unavoidable Absence of the Judge, or in any Suit or Matter in which the Judge, his Wife, or Child, or any Member of his Family, shall have an Interest, such other Judge of any of the Superior Courts of Law who, on the Request of the Lord Chancellor, shall find it convenient to attend, may sit for the Judge of the Court and exercise all his Powers.

In Case of Illness, &c. of Judge, his Duties to be performed by Judge of Superior Courts.

CLAUSE D.

XLI. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Question to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

CLAUSE E.

XLII. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Dublin, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons

Powers of the Court for the Trial of Questions by a Jury.

possessing the like Qualifications, and shall be struck, summoned, balloted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Clause F. Question to be stated, and Jury sworn to try it. Judge on the Trial to have the same Authority as a Judge at Nisi Prius.

XLIII. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Clause G. Court may direct Issues to try any Fact.

XLIV. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in Dublin, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Appeal to the House of Lords.

XLV. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Advocates admitted to practise.

Barristers may practise

XLVI. All Persons who at the Time of the passing of this Act have been admitted Advocates in the Prerogative Court shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Barristers-at-Law

Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court. in contentious Causes.

XLVII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Prerogative Court, may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate without Payment of any Fee or Stamp Duty: And, except as herein otherwise provided, the Admission of Persons to be Proctors of the Court shall be in the Discretion of the Judge, subject to the Rules or Orders to be made under this Act: And the Proctors for the Time being of the Court of Probate shall have the same Rights and be subject to the same Obligations and Liabilities in respect of the Transaction of the Common Form Business as the Proctors of the Prerogative Court now have and are subject to in respect of the Transaction of the Common Form Business of the last-mentioned Court: Provided that nothing herein contained shall be taken to give any Proctors now practising, or any Persons hereafter admitted, any Claim or Title to Compensation in case the Transaction of the Business of the Court of Probate be thrown open to any other Class or Classes of Persons, or otherwise be regulated under the Rules or Orders to be made under this Act or by the Authority of any future Act of Parliament; provided also, that it shall be lawful for the Judge of the Court, if he shall think fit, to admit any Persons, or by Rules or Orders under this Act to direct the Admission of any Class or Classes of Persons, to practise as Proctors in all or any of the District Registries of the Court, but nothing herein or in such Rules or Orders shall prevent Parties from applying to such District Registries and acting in relation to their Applications without the Intervention of Proctors. Proctors admitted to practise.

XLVIII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor of the Court of Prerogative may, within One Year after the passing of this Act, be admitted without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an Official Certificate thereof; and upon the Production of an Official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts. Admission of Proctors as Solicitors.

Admission of Articled Clerks to Proctors.

XLIX. Every Person who at the Time of the passing of this Act is actually serving or has served as an Articled Clerk to a Person entitled to act as a Proctor in the Prerogative Court, and entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled at any Time within One Year after his having completed his full Term of Service as such Articled Clerk, to be admitted a Proctor of the Court of Probate, and shall thereupon also be entitled to be admitted as a Solicitor and Attorney under the Provisions of the last preceding Section.

Solicitors and Attornies admitted to practise in contentious Business.

L. In all contentious Causes and Matter any Solicitor of the High Court of Chancery, or any Attorney of the Superior Courts of Law at Dublin, shall be at liberty to practise in the Court of Probate, with the same Rights and subject to the same Obligations and Liabilities as a Proctor of the Court.

Probates and Administration may be granted in Common Form by District Registrars, in certain Cases.

LI. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and that the Personal Estate of the Deceased in respect of which Probate or Administration should be granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of One thousand five hundred Pounds; and all Grants of Probate and Letters of Administration granted by such District Registrars shall be deemed Grants by the Court, and shall have effect over the Personal Estate of the Deceased in all Parts of Ireland accordingly.

Affidavit conclusive.

LII. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death, or by reason that the Personal Estate so sworn to be under the Value of One thousand five hundred Pounds did in fact amount to or exceed that Value; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit as is hereby required.

LIII. The

LIII. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form.

District Registrars not to make Grants where there is Contention, &c.

LIV. Notice of every Application to any District Registrar for the Grant of Probate or Administration shall be transmitted by such District Registrar to the Registrars of the Principal Registry by the next Post after such Application shall have been made; and such Notice shall specify the Name and Description, or Addition (if any), of the Testator or Intestate, the Time of his Death, and the Place of his Abode at his Decease, as stated in the Affidavit made in support of such Application, and the Name of the Person by whom the Application has been made, and such other Particulars as may be directed by Rules or Orders under this Act; and no Probate or Administration shall be granted in pursuance of such Applicaton until such District Registrar shall have received a Certificate, under the Hand of One of the Registrars of the Principal Registry, that no other Application appears to have been made in respect of the Goods of the same deceased Person, which Certificate the said Registrar of the Principal Registry shall forward as soon as maybe to the District Registrar; all such Notices, in respect of Applications in the District Registries, shall be filed and kept in the Principal Registry; and the Registrars of the Principal Registry shall, with reference to every such Notice, examine all Notices of such Applications which may have been received from the several other District Registries, and the Applications which may have been made for Grants of Probate or Administration at the Principal Registry, so far as it may appear necessary to ascertain whether or no Application for Probate or Administration, in respect of the Goods of the same deceased Person, may have been made in more than One Registry, and shall communicate with the District Registrars as Occasion may require in relation to such Applications.

CLAUSE H. As to Transmission of Notice of Applications for Grants of Probate, &c. to District Registrar.

LV. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Manner of the Application according to such Instructions as to the Judge may seem necessary, or may forbid

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to the Court of the Assistant Barrister. 5

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

LVI. On the First and Third Thursday of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of 10 Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding Saturday, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates. 15

District Registrars to preserve original Wills.

LVII. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due 20 Preservation thereof, and the convenient Inspection of the same.

Caveats.

LVIII. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as 25 near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat 30 being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same. 35

Where Personalty under 200*l.*, and Real Property under 300*l.*, Assistant Barrister to

LXIX. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate 40 or Letters of Administration should be granted under this Act, exclusive

sive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Assistant Barrister having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person in case there be any Contention in relation thereto.

have Jurisdiction.

LX. On a Decree being made by an Assistant Barrister for the Grant or Revocation of a Probate or Administration in any such Cause, the Clerk of the Peace of the County shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LXI. The Assistant Barrister before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgement therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the Court of such Assistant Barrister.

The Assistant Barrister to decide Causes and enforce Judgments as in other Cases.

LXII. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Assistant Barrister under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within

Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending.

any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided that where it shall be shown to the Assistant Barrister before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

Appeal from Assistant Barrister.

LXIII. Any Party who shall be dissatisfied with the Determination of the Assistant Barrister in Point of Law or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act may appeal from the same to the Court of Probate in such Manner and subject to such Regulations as may be provided by the Rules and Orders to be made under this Act.

Option of applying to Court of Probate in every Case.

LXIV. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registrar, or Assistant Barrister of any County, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Assistant Barrister, the Court of Probate may send the Cause to the Court of such Assistant Barrister, who shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Judge to make Rules and Orders regulating the Procedure of Assistant Barristers Courts under the Act.

LXV. It shall be lawful for the Judge of the Court, with the Assistance of Two or more of the Assistant Barristers to be for that Purpose named by the Lord Chancellor, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Assistant Barristers Courts, and the Judges and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act.

LXI. Where

LXVI. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will, shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

LXVII. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

LXVIII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LXIX. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Seven Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Three Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

As to Costs of Proof of Will.

LXX. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Repeal of 19 & 20 Vict. c. 113. ss. 31, 32, and 33.

LXXI. The Thirty-first, Thirty-second, and Thirty-third Sections of "The Common Law Procedure Act, 1856," are hereby repealed.

Place of Deposit of original Wills.

LXXII. There shall be One Place of Deposit under the Control of the Court, at such Place in Dublin as the Lord Lieutenant may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

LXXIII. The

LXXIII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Calendars to be made up and printed.

LXXIV. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Court of Probate in London, the Office of the Commissary of the County of Midlothian, in Edinburgh, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without Reference to the Number of Calendars inspected.

Registrar to transmit printed Copies to certain Offices.

LXXV. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Official Copy of whole or Part of Will may be obtained.

LXXVI. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Administration pendente lite.

LXXVII. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of

Receiver of Real Estate pendente lite.

of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct. 5

Remuneration to Administrators pendente lite and Receivers.

LXXVIII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit. 10

Power as to Appointment of Administrator.

LXXIX. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit. 15 20 25 30

38 G. 3. c. 87. (England), extended to Ireland, and to apply to Administrators.

LXXX. Whereas it is expedient that the Powers given by the Act of the Thirty-eighth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-seven, should be exercised by the Court of Probate in Ireland, and that the like Powers should be extended to cases where Administrators are residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in Ireland: Be it therefore enacted, That at the Expiration of Twelve Calendar Months from the Death of any Testator or Intestate, if the Executor to whom Probate has been granted, or the Administrator to whom Administration has been granted, by the Court, be residing out of the Jurisdiction of Her Majesty's Courts of Law or Equity in Ireland, the Court shall upon the Application of any Creditor next of Kin or 35 40

or Legatee, grounded upon an Affidavit, have and exercise all the Powers by the said Act given to the Ecclesiastical Courts in England, in Cases where the Executor to whom Probate has been granted by any of such Courts is residing out of the Jurisdiction of the Courts 5 of Law and Equity in England, and all the Powers by the said recited Act given to Courts of Equity in England shall, so far as relates to Property and to Suits in Ireland, be exercised by the Court of Chancery in Ireland, and the Powers thereby given to the Accountant-General of the High Court of Chancery in England, or to 10 the Secretary or Deputy-Secretary of the Governor or Company of the Bank of England, shall be exercised by the Accountant-General of the Court of Chancery in Ireland, and by the Officers and the Governor and Company of the Bank of Ireland respectively.

After Grant of Administration no Person to have Power to sue as an Executor.

LXXXI. After any Grant of Administration, no Person shall have 15 Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXXII. Where before the Revocation of any temporary Adminis- 20 tration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made 25 consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Payments under revoked Probates or Administration to be valid.

30 LXXXIII. Where any Probate or Administration is revoked under this Act, all Payments bonâ fide made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any 35 such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Rights of an Executor renouncing Probate to cease as if he had not been

LXXXIV. Where any Person, after the Commencement of this Act, 40 renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the

named in the Will.

Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Sureties to Administration Bonds.

LXXXV. So much of an Act passed by the Parliament of Ireland in the Seventh Year of King William the Third, Chapter Six, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed. 5

Bond.

LXXXVI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct. 10 15

Penalty on Bond.

LXXXVII. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable. 20 25

Power of Court to assign Bond.

LXXXVIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond. 30 35

Pending Suits transferred to Court of Probate.

LXXXIX. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in Ireland respecting any Grant of Probate or Administration shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Practice 40

tice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred.

Except Appeals.

XC. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court under the Enactment herein-before contained shall have been heard before any Judge or Court having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge or Court may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall be so delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

XCI. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate o Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Void and voidable Probates and Administrations.

XCII. Legal Grants of Probate and Administration made in Ireland before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; but in every

Probates and Administrations granted before this Act comes into operation.

every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which, but for this Act, would or ought to have been obtained in respect of the Personal Estate not covered by the Grant: and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

XCIII. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had personal Estate in Ireland not within the Limits of the Jurisdiction of the Court by which the Probate or Anministration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

XCIV. The Acting Judge and Registrar of every Court and other Person in Ireland now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Penalty for Default.

XCV. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

XCVI. One

XCVI. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may Deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

Safe Custody of the Wills of living Persons.

XCVII. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

This Act not to affect the Stamp Duties on Probates and Administrations.

XCVIII. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

XCIX. Whereas by an Act passed in the Fifty-fourth Year of King George the Third, Chapter Sixty-eighth, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee or Reward, or with a view

54 G. 3. c. 68. ss. 9, 10. repealed in part as to the Court of Probate.

to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Judge to fix Table of Fees to be taken by Officers of Court and by Officers of Assistant Barristers Courts.

C. The Judge of the Court, with such Concurrence as is herein-before required as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table of Fees to be taken by the Officers of the Court of Probate and the Proctors practising therein, including the District Registrars and the Proctors practising in District Registries, and a Table of Fees to be taken by the Officers of the Assistant Barristers Courts in respect of Business under this Act, and of the Fees to be payable in respect of Searches, Inspection, and printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and he is hereby empowered from Time to Time, with such Concurrence as aforesaid, to add to, reduce, alter, or amend the same as he may see fit; and he shall cause every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, to be published in the "Dublin Gazette;" and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors.

Taxation of Costs.

CI. The Bill of any Proctor for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

CII. None of the Fees payable to the Officers of the Court of Probate or of any Assistant Barrister's Court in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, and except as herein-after mentioned, shall be received in Money, but the same shall

shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Judge may order any Fees which cannot in his Opinion conveniently be collected by Stamps to be received in Money.

Fees collected by Stamps, and paid to "The Testamentary Fee Fund Account."

5 CIII. All the Provisions of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her present Majesty, "for "the Relief of Suitors of the High Court of Chancery," Chapter Eighty-seven, and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall, for the 10 Purposes of this Act, extend to Ireland, and apply to the Fees to be received under this Act, save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under this Act, and of all Costs, Charges, and Expenses incurred by them or by their 15 Direction in carrying the same into effect; and the said Commissioners may pay and deduct and retain out of such Moneys all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Judge 20 shall by Rules and Orders under this Act direct, pay the same into the Bank of Ireland to the Credit of an Account there to be opened in the Names of the Registrars of the Court of Probate, and to be entitled "The Testamentary Fee Fund Account."

Fees paid in Money to be paid to "The Testamentary Fee Fund Account."

CIV. Such of the Fees payable to the Officers of the Court of 25 Probate and to Officers of Assistant Barristers in respect of Business under this Act as the Judge of the Court of Probate shall direct to be collected in Money (except the Fees of District Registrars and such as may be authorized to be taken for their own Use by the Commissioners for administering Oaths) shall, at such Times and in 30 such Manner as he shall direct, be paid into the Bank of Ireland, to the Credit of "The Testamentary Fee Fund Account."

Accountant General.

CV. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant 35 General shall carry into effect the Orders of the Court in the same Manner as if they were Orders of the Court of Chancery.

Power to provide for incidental Expenses.

CVI. The Judge of the Court of Probate may, by Rules and Orders under this Act, order Payment, at such Times and in such Manner as he shall think fit, out of "The Testamentary Fee Fund 40 Account," of adequate Sums of Money for the Care and cleaning of all such Rooms and Buildings of or connected with the Court and its Registries as he may think necessary, and for the Rent,

Taxes, Rates, Insurances from Fire, and other Outgoings charged upon or payable for or in respect thereof, and for Coals and Candles and other necessary Articles for the Court of Probate and Principal and District Registries, and for all other necessary Expenses relating thereto or incidental to the Sittings of the Court and carrying the Provisions of this Act into effect, and for the temporary Custody of such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Proceedings, Writs, Documents, or other Instruments relating to Matters or Causes Testamentary, and for the Books and Stationery which may be required for the Business of the Court and of the Principal and District Registries, and for the making, copying, writing, printing, correcting, and examining official Documents and Records of the Court and of the Principal and District Registries.

Compensation to Registrars, &c. of existing Courts.

CVII. It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices in the Court of Probate of equal Value to the Offices previously held by them, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments, and the Periods during which they have held and discharged the Duties of the same, the said Commissioners deem just and proper to be awarded; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: Provided always, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

CVIII. All

CVIII. All Salaries, Compensations, and Superannuations, or retiring Allowances under this Act, shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Judge of the Court of Probate shall from Time to Time by any Order direct, and, except where otherwise provided by this Act, shall be paid to the Parties entitled thereto, out of the Fund standing in the Names aforesaid, entitled "The Testamentary Fee Fund Account," under any Order to be made from Time to Time for that Purpose.

Time of Payment of Salaries, &c.

CIX. Every Draft or Order on the Bank of England for the Payment of Money out of the Testamentary Fee Fund Account shall be signed by the Registrar of the Court of Probate for the Time being, or any Two of them; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

Drafts on Testamentary Fee Fund.

CX. If at the End of any Year there shall be a Surplus standing to the Credit of "The Testamentary Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Judge of the Court of Probate may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Commissioners of Her Majesty's Treasury shall direct the Amount of such Deficiency to be issued and paid out of such Monies as may be provided by Parliament for that Purpose.

Power to order Surplus of Testamentary Fee Fund to be paid into the Exchequer.

If Fund insufficient to defray Salaries &c., same to be paid out of Moneys to be provided by Parliament.

CXI. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Rules and Orders to be laid before Parliament.

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout IRELAND.

Nos.	Districts.	Places of District Registries.	Nos.	Districts.	Places of District Registries.
1	Donegal, Londonderry, and the Barony of Strabane, in the County of Tyrone.	Londonderry.	6	Roscommon and Galway	Tuam.
			7	King's County and Westmeath.	Mullingar.
2	Antrim and Down -	Belfast.	8	Carlow, Queen's County, and Kilkenny.	Kilkenny.
3	Armagh, Louth, Monaghan, Fermanagh, and Tyrone, except the Barony of Strabane.		9	Waterford, Wexford, and South Riding of Tipperary.	Waterford.
4	Mayo, Sligo, and Leitrim, except the Baronies of Mohill, Carrigallen, and Leitrim.	Ballina.	10	Limerick, Clare, North Riding of Tipperary, and the Baronies of Clanmaurice and Irraghticonnor.	Limerick.
5	Cavan, Longford, and the Baronies of Leitrim, Mohill, and Carrigallen, in the County of Leitrim.	Cavan.	11	Cork and Kerry, except the Baronies of Clanmaurice and Irraghticonnor.	Cork.

SCHEDULE (B.)

	Annual Salary.
The Registrars in Dublin, each - - - -	£850
The Record Keeper - - - - - -	
The Clerk of the Seal - - - - -	

Probates and Letters of Administration (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Probates and Letters of Administration in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Herbert.*)

Ordered, by The House of Commons, *to be Printed,* 31 *July* 1857.

[Bill 171.]

Under 5 oz.

12 *August* 1857. 20 & 21 Vict.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Law relating to Probates and Letters of Administration in Ireland.

WHEREAS it is expedient to amend the Law relating to Probates and Letters of Administration, and that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in Ireland should be exercised, in the Name of Her Majesty, by One Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as the Lord Lieutenant shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned— Interpretation Clause.

"Will" shall comprehend "Testament" and all other Testamentary Instruments of which Probate may now be granted: "Will:"

"Administration" shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes: "Administration:"

"Matters and Causes Testamentary:" "Matters and Causes Testamentary" shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration:

"Common Form Business:" "Common Form Business" shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

"The Court:" "The Court" shall mean Her Majesty's Court of Probate hereby established, and shall also include the Judge of the said Court:

"Judge:" "The Judge" shall mean the Judge of the said Court:

"Court of Chancery:" "The Court of Chancery" shall mean the High Court of Chancery in Ireland:

"Accountant General:" "Accountant General" shall mean the Accountant General in the High Court of Chancery in Ireland:

"Prerogative Court:" "The Prerogative Court" shall mean Her Majesty's Court of Prerogative in Ireland:

"Lord Chancellor:" "Lord Chancellor" shall comprehend the Lord Chancellor and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being:

"Lord Lieutenant:" "Lord Lieutenant" shall include the Lords Justices or other Chief Governor or Governors of Ireland:

"Person:" "Person" shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual:

"Superior Courts:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin:

"The Testamentary Office:" "The Testamentary Office" shall mean the Public Registry attached or belonging to Her Majesty's Court of Probate under this Act, and the Offices connected therewith:

"The District Office:" "The District Office" shall mean the Public Registry attaching or belonging to Her Majesty's Court of Probate in each District hereby established:

"Registrar:" "The Registrar" shall mean the principal Registrar and other Registrars of the Testamentary Office:

"District Registrar." "District Registrar" shall mean the Registrar of each District Office hereby established.

Short Title of Act. III. This Act may be cited as "The Probates and Letters of Administration Act (Ireland), 1857."

Extent of Act. IV. This Act shall not extend to England or Scotland, except where expressly mentioned.

V. The

V. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in Ireland, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

VI. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in Ireland, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called "The Court of Probate," and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in Dublin as the Lord Lieutenant in Council shall from Time to Time appoint.

Testamentary Jurisdiction to be exercised by a Court of Probate.

VII. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of Ireland, to appoint a Person, being or having been a Barrister-at-Law of Fifteen Years Standing, to be such Judge: Provided, that the Person who, at the Time of the passing of this Act, may be the Judge of the Prerogative Court shall be the First Judge of Her Majesty's Court of Probate; and provided, that no Person holding the said Office of Judge shall be capable of being elected or being a Member of the present or any future House of Commons.

Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court.

VIII. The Judge shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Judge's Tenure of Office.

IX. Every Judge of the Court shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls in Ireland for the Time being is hereby respectively authorized and required to administer:

'I A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate.

'So help me GOD.'

Judge to take Oath.

Precedence of Judge, Secretary, &c.

X. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts according to the Date of his Appointment and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

The Judge to be a Commissioner of Charitable Donations and Bequests.

XI. The Judge shall be One of "the Commissioners of Charitable Donations and Bequests for Ireland," under Statute Seventh and Eighth Victoria, Chapter Ninety-seven, in lieu of "the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland." 5

Salaries.

XII. There shall be paid to the Judge the net yearly Salary of Three thousand five hundred Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of Fifty Pounds. 10

Clause A. Repeal of 7 & 8 G. 4. c. 44. as to Salaries.

XIII. From and after the Period at which this Act shall come into operation, so much of the Statute passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of King George the Fourth, Chapter Forty-four, as relates to the Payment of a Salary of Three thousand Pounds to the Judge of the Prerogative Court and Court of Faculties in Ireland shall be and is hereby repealed. 15 20

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

XIV. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty in Ireland, it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, and after the Union of the said Two Offices they shall be thenceforth held by the same Person. 25

Retiring Pension.

XV. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty's Court of Probate an Annuity, not exceeding Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the 30 35 40

the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

XVI. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry."

District Registries to be established.

XVII. It shall be lawful for the Lord Lieutenant in Council from Time to Time to alter the said Districts or any One or more of them, and add to or reduce the Number thereof, and to direct that the District Registry shall be held at such Place within the District as to the Lord Lieutenant in Council shall appear most convenient and suitable.

Lord Lieutenant may alter Districts.

XVIII. There shall be Two Registrars, One Record Keeper, and One Clerk of the Seal for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to the Lord Lieutenant in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by One Registrar, it shall be lawful for the Lord Lieutenant by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

Officers of the Court of Probate.

XIX. Maurice Keatinge and Anthony J. Hawkins, Esquires, the present Deputy Registrars of the Prerogative Court, shall be the First Registrars of the Principal Registry of the Court of Probate; the present Clerk of the Records of the said Prerogative Court shall be the First Record Keeper at the said Principal Registry, and the present Senior Clerk and Clerk of the Seal of the said Prerogative Court shall, if willing to accept the Office, be the First Clerk of the Seal at the said Principal Registry.

First Officers of the Principal Registry.

XX. Such of the other Clerks and Officers now employed in the said Prerogative Court (whose Services shall be necessary) shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Judge may in that Behalf direct, so that their

Clerks and Officers of Prerogative Court to be transferred to like Of-

fices in Court of Probate.

their Duties may be such as, in the Opinion of the said Judge, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the Judge shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be District Registrars at the same Places.

XXI. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court within the District which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such One of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar.

Clerk of Peace to be appointed District Registrar in certain Cases.

XXII. In case there shall be no Person competent to fill the Office of District Registrar for any District within the Meaning of the last preceding Section, and also on the Death, Resignation, or Removal of any Person appointed to fill such Office, the Judge shall appoint the Clerk of the Peace for the County or County of a City in which the District Registry is situate, or if he shall be from any Cause incompetent or shall be removed then some other Clerk of the Peace within the District, to be the District Registrar, and the Office of such Clerk of the Peace shall be the District Registry.

Appointment to Offices.

Salaries.

XXIII. The Registrars and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge, but subject to the Approval of the Lord Chancellor: There shall be paid to the several Officers mentioned in Schedule B. to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Approval of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office.

XXIV. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the

the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars.

XXV. No Person shall be appointed a Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in Ireland.

Officers of the Court to execute their Offices in Person.

Registrars and Clerks of the Principal Registry not to act as Proctors, &c.

XXVI. All Registrars, District Registrars, Officers, and Clerks of the Court shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

Seal of the Court.

XXVII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

The Court to have throughout all Ireland the same Powers as the Prerogative Court.

XXVIII. The Court shall be a Court of Record, and shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all Ireland, and in relation to the Personal Estate in all Parts of Ireland of deceased Persons, as the Prerogative Court and its Grants and Orders respectively now have in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

Suits for Legacies or Distribution not to be entertained.

Power to examine Witnesses.

XXIX. The Court may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters

or Causes Testamentary, or may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of the Superior Courts of Law; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

Production of Deeds, &c.

Powers of Court to enforce Orders.

XXX. The Court shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

Order to produce any Instrument purporting to be testamentary.

XXXI. The Court may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

XXXII. The

XXXII. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, 5 under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commis- 10 sioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circum- 15 stances and Manner in which a Person called as a Witness so desiring to make an Affidavit or Deposition in any of the Superior Courts would now be permitted so to do; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before 20 any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

XXXIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit 25 any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every 30 such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Forging or counterfeiting Seal or Signature of Officers.

Penalty.

XXXIV. The Procedure and Practice of the Court of Probate shall, 35 except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court.

Practice of the Court.

CLAUSE B.

XXXV. And to the Intent and End that the Procedure and Prac- 40 tice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the

Rules and Orders to be made for regulating the Procedure of the Court.

Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, and of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and, after the Time when this Act shall come into operation, it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, or alter any such Rules and Orders, or make other Orders in lieu thereof, as to him, with such Concurrence as aforesaid, may seem fit.

Mode of taking Evidence in contentious Matters.

XXXVI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party, orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend. 3 & 4 Vict. c. 105.

XXXVII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Dublin by the Act of the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and five, for enabling the Courts of Law at Dublin to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts,

Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at Dublin, and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XXXVIII. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

Common Law Judges may sit, on Request.

XXXIX. It shall be lawful for the Judge of the Court to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law, who, upon the Request of the Lord Chancellor, may find it convenient to attend for that Purpose.

CLAUSE C. In Case of Illness, &c. of Judge, his Duties to be performed by Judge of Superior Courts.

XL. In case of Illness or unavoidable Absence of the Judge, or in any Suit or Matter in which the Judge, his Wife, or Child, or any Member of his Family, shall have an Interest, such other Judge of any of the Superior Courts of Law who, on the Request of the Lord Chancellor, shall find it convenient to attend, may sit for the Judge of the Court and exercise all his Powers.

CLAUSE D. Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

XLI. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Question to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

CLAUSE E. Powers of the Court for the Trial of Questions by a Jury.

XLII. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Dublin, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons

possessing the like Qualifications, and shall be struck, summoned, balloted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Clause F. Question to be stated, and Jury sworn to try it. Judge on the Trial to have the same Authority as a Judge at Nisi Prius.

XLIII. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Clause G. Court may direct Issues to try any Fact.

XLIV. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in Dublin, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Appeal to the House of Lords.

XLV. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Advocates admitted to practise. Barristers may practise in contentious Causes.

XLVI. All Persons who at the Time of the passing of this Act have been admitted Advocates in the Prerogative Court, and all Barristers-at-Law, shall be entitled to practise as Advocates or Counsel in all Matters and Causes in the said Court.

XLVII. Every

XLVII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Prerogative Court may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate, without Payment of any Fee or Stamp Duty.

Proctors admitted to practise.

XLVIII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor of the Court of Prerogative or any other Ecclesiastical Court in Ireland may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an Official Certificate thereof; and upon the Production of an Official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

Admission of Proctors as Solicitors.

CLAUSE I. Practitioners.

XLIX. All Persons now or hereafter admitted to practise in any Ecclesiastical Court in Ireland, and all Solicitors and Attornies-at-Law, may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court.

Probates and Administration may be granted in Common Form by District Registrars, in certain Cases.

L. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and that the Personal Estate of the Deceased in respect of which Probate or Administration should be granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of One thousand five hundred Pounds; and all Grants of Probate and Letters of Administration

tration granted by such District Registrars shall be deemed Grants by the Court, and shall have effect over the Personal Estate of the Deceased in all Parts of Ireland accordingly.

Affidavit conclusive.

LI. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death, or by reason that the Personal Estate so sworn to be under the Value of One thousand five hundred Pounds did in fact amount to or exceed that Value; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit as is hereby required.

District Registrars not to make Grants where there is Contention, &c

LII. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form.

Clause H. As to Transmission of Notice of Applications for Grants of Probate, &c. to District Registrar.

LIII. Notice of every Application to any District Registrar for the Grant of Probate or Administration shall be transmitted by such District Registrar to the Registrars of the Principal Registry by the next Post after such Application shall have been made; and such Notice shall specify the Name and Description, or Addition (if any), of the Testator or Intestate, the Time of his Death, and the Place of his Abode at his Decease, as stated in the Affidavit made in support of such Application, and the Name of the Person by whom the Application has been made, and such other Particulars as may be directed by Rules or Orders under this Act; and no Probate or Administration shall be granted in pursuance of such Applicaton until such District Registrar shall have received a Certificate, under the Hand of One of the Registrars of the Principal Registry, that no other Application appears to have been made in respect of the Goods of the same deceased Person, which Certificate the said Registrar of the Principal Registry shall forward as soon as maybe to the District Registrar; all such Notices, in respect of Applications in the District Registries, shall be filed and kept in the Principal Registry, and the Registrars of the Principal Registry shall, with reference to every such Notice, examine all Notices of such Applications which may have been received from the several other District Registries, and the Applications which may have been made for Grants

Grants of Probate or Administration at the Principal Registry, so far as it may appear necessary to ascertain whether or no Application for Probate or Administration, in respect of the Goods of the same deceased Person, may have been made in more than One Registry, 5 and shall communicate with the District Registrars as Occasion may require in relation to such Applications.

LIV. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where 10 any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District 15 Registrar to proceed in the Manner of the Application according to such Instructions as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate 20 through its Principal Registry, or, if the Case be within its Jurisdiction, to the Court of the Assistant Barrister.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

LV. On the First and Third Thursday of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the 25 Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding Saturday, and not included in a previous Return, 30 and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates.

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

LVI. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of 35 the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same.

District Registrars to preserve original Wills.

LVII. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, 40 and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as

Caveats.

near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

Where Personalty under 200*l.*, and Real Property under 300*l.*, Assistant Barrister to have Jurisdiction.

LVIII. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Assistant Barrister having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person in case there be any Contention in relation thereto.

Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LIX. On a Decree being made by an Assistant Barrister for the Grant or Revocation of a Probate or Administration in any such Cause, the Clerk of the Peace of the County shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

LX. The

LX. The Assistant Barrister before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the Court of such Assistant Barrister.

The Assistant Barrister to decide Causes and enforce Judgments as in other Cases.

LXI. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Assistant Barrister under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided that where it shall be shown to the Assistant Barrister before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending.

LXII. Any Party who shall be dissatisfied with the Determination of the Assistant Barrister in point of Law or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act may appeal from the same to the Court of Probate in such Manner and subject to such Regulations as may be provided by the Rules and Orders to be made under this Act.

Appeal from Assistant Barrister.

LXIII. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registrar, or Assistant Barrister of

Option of applying to Court of Probate in every Case.

of any County, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Assistant Barrister, the Court of Probate may send the Cause to the Court of such Assistant Barrister, who shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Judge to make Rules and Orders regulating the Procedure of Assistant Barristers Courts under the Act.

LXIV. It shall be lawful for the Judge of the Court, with the Assistance of Two or more of the Assistant Barristers to be for that Purpose named by the Lord Chancellor, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Assistant Barristers Courts, and the Judges and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act.

Where a Will affecting Real Estate is proved in solemnForm, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.

LXV. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will, shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where the Will is proved in solemnForm, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

LXVI. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received

received as conclusive Evidence of the Validity and Contents of such Will in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

LXVII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

LXVIII. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Seven Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the

Party receiving such Notice shall, within Three Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

As to Costs of Proof of Will.

LIX. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Repeal of 19 & 20 Vict. c. 113. ss. 31, 32, and 33.

LXX. The Thirty-first, Thirty-second, and Thirty-third Sections of "The Common Law Procedure Act, 1856," are hereby repealed.

Place of Deposit of original Wills.

LXXI. There shall be One Place of Deposit under the Control of the Court, at such Place in Dublin as the Lord Lieutenant may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

Calendars to be made up and printed.

LXXII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Registrar to transmit printed Copies to certain Offices.

LXXIII. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Court of Probate in London, the Office of the Commissary of the County of Midlothian, in Edinburgh, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by

by any Person on Payment of a Fee of One Shilling for each Search, without Reference to the Number of Calendars inspected.

LXXIV. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Official Copy of whole or Part of Will may be obtained.

LXXV. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Administration pendente lite.

LXXVI. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

Receiver of Real Estate pendente lite.

LXXVII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

Remuneration to Administrators pendente lite and Receivers.

LXXVIII. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of Great Britain and Ireland, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have

Power as to Appointment of Administrator.

have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

38 G. 3. c. 87. (England), extended to Ireland, and to apply to Administrators.

LXXIX. Whereas it is expedient that the Powers given by the Act of the Thirty-eighth Year of the Reign of His late Majesty King George the Third, Chapter Eighty-seven, should be exercised by the Court of Probate in Ireland, and that the like Powers should be extended to Cases where Administrators are residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in Ireland: Be it therefore enacted, That at the Expiration of Twelve Calendar Months from the Death of any Testator or Intestate, if the Executor to whom Probate has been granted or the Administrator to whom Administration has been granted by the Court be residing out of the Jurisdiction of Her Majesty's Courts of Law or Equity in Ireland, the Court shall, upon the Application of any Creditor, next of Kin, or Legatee, grounded upon an Affidavit, have and exercise all the Powers by the said Act given to the Ecclesiastical Courts in England in Cases where the Executor to whom Probate has been granted by any of such Courts is residing out of the Jurisdiction of the Courts of Law and Equity in England, and all the Powers by the said recited Act given to Courts of Equity in England shall, so far as relates to Property and to Suits in Ireland, be exercised by the Court of Chancery in Ireland, and the Powers thereby given to the Accountant General of the High Court of Chancery in England, or to the Secretary or Deputy Secretary of the Governor or Company of the Bank of England, shall be exercised by the Accountant General of the Court of Chancery in Ireland, and by the Officers and the Governor and Company of the Bank of Ireland respectively.

After Grant of Administration no Person to have Power to sue as an Executor.

LXXX. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of temporary Grants not to prejudice

LXXXI. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such

such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Actions or Suits.

LXXXII. Where any Probate or Administration is revoked under this Act, all Payments bonâ fide made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Payments under revoked Probates or Administration to be valid.

CLAUSE K.

LXXXIII. All Persons and Corporations making or permitting to be made any Payment or Transfer bonâ fide upon any Probate or Letters of Administration granted in respect of the Estate of any deceased Person, under the Authority of this Act, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Probate or Letters of Administration.

Persons making Payments to Administrator indemnified.

LXXXIV. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.

LXXXV. So much of an Act passed by the Parliament of Ireland in the Seventh Year of King William the Third, Chapter Six, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed.

Sureties to Administration Bonds.

LXXXVI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more

Bond.

Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct; provided, that it shall not be necessary for the Solicitor for the Treasury in Ireland, on applying for or obtaining Administration to the Use or Benefit of Her Majesty, to give any such Bond as aforesaid. 5

Penalty on Bond.

LXXXVII. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable. 10 15

Power of Court to assign Bond.

LXXXVIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond. 20 25

Pending Suits transferred to Court of Probate.

Except Appeals.

LXXXIX. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in Ireland respecting any Grant of Probate or Administration shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Practice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred. 30 35

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

XC. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court under the Enactment herein-before contained shall have been heard before any Judge or Court having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge 40

Judge or Court may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall be so delivered to the Registrar, and shall be subject to Appeal under this Act.

Void and voidable Probates and Administrations.

XCI. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Probates and Administrations granted before this Act comes into operation.

XCII. Legal Grants of Probate and Administration made in Ireland before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which, but for this Act, would or ought to have been obtained in respect of the Personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probate or Administration may be granted of Personal

XCIII. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had personal Estate in Ireland not within the Limits of

Estate not affected by the former Grants.

the Jurisdiction of the Court by which the Probate or Anministration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

XCIV. The Acting Judge and Registrar of every Court and other Person in Ireland now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Penalty for Default.

XCV. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Safe Custody of the Wills of living Persons.

XCVI. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may Deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

This Act not to affect the Stamp Duties on Probates and Administrations.

XCVII. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained

tained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall 5 be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

10 XCVIII. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the 15 Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said 20 Commissioners may require.

54 G. 3. c. 68. ss. 9, 10. repealed in part as to the Court of Probate.

XCIX. Whereas by an Act passed in the Fifty-fourth Year of King George the Third, Chapter Sixty-eighth, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, 25 or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted 30 that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee or Reward, or with a view to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every 35 such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Table of Fees to be taken by Officers of Court and

40 C. The Lord Chancellor, with such Concurrence as is hereinbefore required as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this

by Officers of Assistant Barristers Courts.

this Act, fix a Table of Fees to be taken by the Officers of the Court of Probate and the Proctors practising therein, including the District Registrars and the Proctors practising in District Registries, and a Table of Fees to be taken by the Officers of the Assistant Barristers Courts in respect of Business under this Act, and of the Fees to be payable in respect of Searches, Inspection, and printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and he is hereby empowered from Time to Time, with such Concurrence as aforesaid, to add to, reduce, alter, or amend the same as he may see fit; and he shall cause every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, to be published in the "Dublin Gazette;" and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors, Solicitors and Attorneys.

Taxation of Costs.

CI. The Bill of any Proctor, Solicitor, or Attorney for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

CII. None of the Fees payable to the Officers of the Court of Probate or of any Assistant Barrister's Court in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, Solicitors, and Attorneys, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, and except as herein-after mentioned, shall be received in Money, but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Judge may order any Fees which cannot in his Opinion conveniently be collected by Stamps to be received in Money.

Clause L. Provisions of Acts relating to Stamps to be applicable to Stamps

CIII. The Fees to be collected by means of Stamps under the Provisions of this Act shall be deemed "Stamp Duties," and shall be placed under the Management of the Commissioners of Inland Revenue, to be collected and paid into the Exchequer under the same

Laws

Laws and Regulations as those made in respect of the other Duties of "Stamps;" and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall in all Cases not hereby 5 expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for 10 preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively; but a separate and distinct Account of all 15 Money received in respect of the said last-mentioned Stamps for every Year ending the Thirty-first Day of March shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Accounts, or, if Parliament be not then sitting, within One Month after the Commencement of the next Session of 20 Parliament.

for collecting Fees.

CLAUSE M. No Document to be received or used unless stamped.

CIV. No Document which under this Act, and any Table of Fees for the Time being in force under this Act, ought to have a Stamp in respect of such Fee impressed thereon or affixed thereto, shall be received or filed or be used in relation to any Proceeding in the Court 25 of Probate, or be of any Validity for any Purpose whatsoever, unless or until the same shall have the proper Stamp impressed thereon or affixed thereto: Provided, that if at any Time it shall appear that any such Document has through Mistake or Inadvertence been received, or filed, or used without having such Stamp impressed thereon or 30 affixed thereto, it shall be lawful for the Judge of the Court of Probate, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto, and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto in compliance with any such Order, such Document and every Proceeding in refer- 35 ence thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

CLAUSE N. Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

CV. If any Officer of the Court of Probate, or any other Person employed under this Act, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under 40 the Provisions of this Act, or to any Fee or Sum of Money to be collected, or which ought to be collected, by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission whereby any Fee or Money which ought

to be collected by means of a Stamp under this Act shall be lost, or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment if the Judge of the Court of Probate shall think fit so to order.

CLAUSE O. Salary of the Judge and Compensations charged on the Consolidated Fund.

CVI. The Salary of the Judge of the Court of Probate, and any retiring Annuity granted to a Judge of the Court of Probate under this Act, and all Compensations payable under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom.

CLAUSE P. Salaries and Expenses not charged on the Consolidated Fund to be paid out of Monies to be provided by Parliament.

CVII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all Salaries payable to the Registrars, Clerks, and other Officers under this Act, and all necessary Expenses of the Court of Probate and its Registries, and other Expenses which may be incurred in carrying the Provisions of this Act into effect (except such Salary, retiring Annuity, and Compensations as are herein-before charged on the said Consolidated Fund).

CLAUSE Q. Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

CVIII. Any Person to whom Compensation is awarded under this Act in respect of the Loss of Emoluments of any Office, and who at the passing of this Act shall have been discharging or liable to discharge in respect of such Office Duties other than those in Matters and Causes Testamentary, shall, so long as he shall receive such Compensation, be bound to discharge such other Duties on the same Terms on which, whether gratuitously or otherwise, he discharged or was liable to discharge the same before the passing of this Act.

CLAUSE R. Persons receiving Compensations to be liable to serve in any public Office in Ireland.

CIX. Every Person to whom any Compensation shall be granted under this Act shall at all Times, when called upon, be liable to fill any public Office or Situation in Ireland under the Crown for which his previous Services in any Office abolished by this Act may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such Office or Situation, and execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to any Compensation or Allowances which may have been granted to him in respect of such previous Services.

CLAUSE S. Compensation to Proctors.

CX. Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such

such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into and may, by the Production of such Evidence as they shall think 5 fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors in Matters and Causes Testamentary on an Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of Five Years as shall have elapsed since each and 10 every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as shall be equal in Value to One Half of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon 15 the said Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of the said Five Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

CLAUSE T. Compensation to Proctors in Partnership.

20 CXI. And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and 25 ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof as herein-before provided to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each 30 such Partnership, with or without Benefit of Survivorship, Regard being had to the existing Terms and Conditions of the same.

CLAUSE U. Establishments in District Registries.

CXII. There shall be a Clerk, or so many Clerks, in each District Registry, and there shall be paid to such Clerk or Clerks such Salary or respective Salaries as the Judge of the Court, with the 35 Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit to direct; and it shall be lawful for such Judge to prescribe from Time to Time the Qualifications which shall be possessed by Persons appointed to be Clerks in such District Registries, and generally to regulate the Establishment of such Dis- 40 trict Registries with reference to the Duties to be performed therein; and the Clerk or Clerks in each District Registry shall be appointed by the District Registrar, with the Approval of the Judge; and every

such Clerk may be removed by such Judge, or by the District Registrar with the Approval of the Judge.

CLAUSE V. Fees payable to District Registrars.

CXIII. Each District Registrar shall, out of the Fees taken by him in respect of the Business in his respective District Registry, pay the Salary or Salaries of the Clerk or Clerks in such Registry, and the Residue of such Fees shall be retained by such District Registrar to his own Use; and every District Registrar shall keep an Account of all Fees so taken by him, and shall within One Month after the End of each Year render to the Commissioners of the Treasury a faithful Account in Writing of all such Fees received by him during such Year: Provided, that it shall be lawful for the Commissioners of Her Majesty's Treasury, at any Time after the Commencement of this Act, to order that the District Registrars under this Act, or any of them, shall be paid by Salaries instead of Fees, and to fix the Salaries to be payable to them respectively; and thereupon all Fees payable to the District Registrars so ordered to be paid by Salaries shall be accounted for and paid into the Exchequer, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom, and the Salaries of such District Registrars and of their Clerks shall be paid out of such Monies as shall be provided by Parliament for that Purpose, and no such District Registrar shall be deemed to have any Claim to Compensation on account of any Diminution of his Emoluments by reason of any such Order.

District Registrars may be paid by Salaries instead of Fees.

CLAUSE W. Publication of Accounts.

CXIV. The Commissioners of Her Majesty's Treasury shall cause to be prepared in each Year ending December Thirty-one a Return of all Fees and Monies levied in such Year, and of any other Fund under the Authority of this Act; also a Return of the annual Salaries of the Judge of the said Court of Probate, and of the Registrars, Deputy Registrars, Clerks, and all others holding Offices either in London or in the Country Districts, with an Account of all the incidental Expenses relating to the Offices aforesaid, whether such Salaries and Expenses be defrayed out of Fees or out of any other Monies; also a Return of all Superannuations, Pensions, Annuities, Retiring Allowances, and Compensations made payable under this Act in each Year, stating the gross Amount, and the Amount in detail of such Charges: Provided always, that all such Returns aforesaid shall be presented to both Houses of Parliament on or before the Thirty-first Day of March in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the Thirty-first Day of March in each Year.

CXV. It

CLAUSE X. Treasury to provide the Buildings for Registries, &c.

CXV. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be purchased, erected, hired, or otherwise provided such Offices and Buildings as may be suitable for the District Registries and Depository or Depositories for Wills, and such Buildings, if any, as may be necessary for the Court and Principal Registry.

Accountant General.

CXVI. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant General shall carry into effect the Orders of the Court in the same Manner as if they were Orders of the Court of Chancery.

Compensation to Registrars, &c. of existing Courts.

CXVII. It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Vicar General, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices in the Court of Probate of equal Value to the Offices previously held by them, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments, and the Periods during which they have held and discharged the Duties of the same, the said Commissioners deem just and proper to be awarded; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: Provided always, that any Judge or Vicar General holding Office for Life or during good Behaviour shall be entitled to full Compensation for any such Loss, calculated on an Average of Three Years preceding the First of September One thousand eight hundred and fifty-seven; and provided also, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation,

no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

Rules and Orders to be laid before Parliament.

CXVIII. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

SCHE-

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout IRELAND.

Nos.	Districts.	Places of District Registries.	Nos.	Districts.	Places of District Registries.
1	Donegal, Londonderry, and the Baronies of Strabane and Omagh in the County of Tyrone.	Londonderry.	6	Roscommon and Galway	Tuam.
			7	King's County and Westmeath.	Mullingar.
2	Antrim and Down -	Belfast.	8	Carlow, Queen's County, and Kilkenny.	Kilkenny.
3	Armagh, Louth, Monaghan, Fermanagh, and Tyrone, except the Baronies of Strabane and Omagh.	Armagh.	9	Waterford, Wexford, and South Riding of Tipperary.	Waterford.
4	Mayo, Sligo, and Leitrim, except the Baronies of Mohill, Carrigallen, and Leitrim.	Ballina.	10	Limerick, Clare, North Riding of Tipperary, and the Baronies of Clanmaurice and Irraghticonnor in the County of Kerry.	Limerick.
5	Cavan, Longford, and the Baronies of Leitrim, Mohill, and Carrigallen, in the County of Leitrim.	Cavan.	11	Cork and Kerry, except the Baronies of Clanmaurice and Irraghticonnor in the County of Kerry.	Cork.

SCHEDULE (B.)

	Annual Salary.
The Registrars in Dublin, each - - - -	£ 850
The Record Keeper - - - - - -	450
The Clerk of the Seal - - - - -	300

Probates and Letters of Administration (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Law relating to Probates and Letters of Administration in Ireland.

(Prepared and brought in by Mr. Attorney General for Ireland and Mr. Herbert.)

Ordered, by The House of Commons, *to be Printed,* 12 *August* 1857.

[Bill 186.]

Under 5 oz.

12 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Abolish Property Qualifications for Members of Parliament.

WHEREAS by the several Acts and Parts of Acts herein-after mentioned Provisions have been made for requiring, on the Part of Members of the House of Commons elected for England and Ireland respectively, certain Qualifications in respect of Property: And whereas it is expedient that the said Provisions should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The several Acts and Parts of Acts herein-after mentioned, (that is to say,) an Act of the Ninth Year of the Reign of Queen Anne, intituled "An "Act for securing the Freedom of Parliament, by farther qualifying "the Members to sit in the House of Commons," an Act of the Thirty-third Year of the Reign of King George the Second, intituled "An Act to enforce and render more effectual the Laws relating to "the Qualification of Members to sit in the House of Commons," an Act of the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for further regulating the Qualification of Members "to serve in the United Parliament of Great Britain and Ireland," and an Act of the Session of Parliament holden in the First and

Preamble.

Repeal of Acts,

9 Anne, c. 5.

33 G. 2. c. 20.

59 G. 3. c. 37.

Second

1 & 2 Vict. c. 48. Second Years of the Reign of Her present Majesty, intituled "An "Act to amend the Laws relating to the Qualification of Members to "serve in Parliament," and so much of an Act of Parliament of England, and of an Act of Parliament of Ireland, respectively passed in the Fortieth Year of King George the Third, and respectively 5 39 & 40 G. 3. c. 67. intituled "An Act for the Union of Great Britain and Ireland," as provides that the Qualifications in respect of Property of the Members 40 G. 3. c. 38. (I.) elected on the Part of Ireland to sit in the House of Commons of the United Kingdom shall be respectively the same as were then provided by Law in the Cases of Elections for Counties and Cities and 10 Boroughs respectively in that Part of Great Britain called England, unless any other Provisions should thereafter be made in that respect by Act of Parliament of the United Kingdom, and so much of an Act of the Forty-first Year of the Reign of King George the Third, 41 G. 3. c. 101. intituled "An Act for regulating, until the First Day of May One 15 "thousand eight hundred and two, the Trial of controverted Elec- "tions or Returns of Members to serve in the United Parliament of "Great Britain and Ireland for that Part of the United Kingdom "called Ireland, and for regulating the Qualification of Members to "serve in the said United Parliament," as relates to the Qualifications 20 of Members elected to serve in Parliament, shall be repealed: Provided always, that the Repeal of the said recited Acts and Parts of Acts respectively shall not be construed to revive or re-enact any Act or Part of Act heretofore repealed by any of the said Acts or Parts of Acts respectively.

Property Qualification.

A

BILL

To abolish Property Qualifications for Members of Parliament.

(Prepared and brought in by Mr. Locke King, Mr. Henry Gore Langton, and Mr. Cobbett.)

Ordered, by The House of Commons, *to be Printed,* 12 *May* 1857.

[Bill 11.]

Under 1 *oz.*

29 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Extend the Law for the Protection of young Females and Females of unsound Mind.

WHEREAS by the Laws now in force the carnal Knowledge and Abuse of any Girl above the Age of Ten Years and under the Age of Twelve Years is a Misdemeanor: And whereas it is expedient to extend such Protection to Girls above the Age of Twelve Years and under the Age of Fourteen Years: Now be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. If any Person shall unlawfully and carnally know and abuse any Girl being above the Age of *Ten* Years and under the Age of *Fourteen* Years, every such Offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall suffer such Punishment as may now by Law be inflicted on Persons unlawfully and carnally knowing and abusing any Girl above the Age of Ten Years and under the Age of Twelve Years. Carnal Knowledge of Girls above Twelve and under Fourteen a Misdemeanor.

II. And whereas it is expedient to provide for the more effectual Punishment of Persons committing indecent Assaults upon Female Children: Be it enacted, That whenever any Person shall be indicted for committing an indecent Assault upon any Female Child under the Indecent Assaults on Female Children under Fourteen.

Age of *Fourteen*, such Indictment shall be supported, and such Person shall be convicted, although it shall appear that such Child was a consenting Party.

Carnal Knowledge of Idiots and Persons non compos mentis.

III. And whereas the Law does not afford sufficient Protection to Idiots and Persons non compos mentis: Be it therefore enacted, That if any Person shall unlawfully and knowingly carnally know and abuse any Female Idiot or Person non compos mentis, such Idiot or Person non compos mentis not having at the Time a rational Perception of the Nature of the Act and of its Consequences, every such Offender shall, notwithstanding the Consent of such Idiot or Person non compos mentis, be guilty of a Misdemeanor, and, being convicted thereof, shall suffer such Punishment as may now by Law be inflicted on Persons unlawfully and carnally knowing and abusing any Girl above the Age of Ten Years and under the Age of Twelve Years.

Proof of Offences and Costs of Prosecutions.

IV. The Provisions now in force respecting the Proof required of the Crime of unlawful and carnal Knowledge of Girls, and respecting the Costs of Prosecutions therefor, shall apply to the Proof of Crimes and Costs of Prosecutions for Offences under this Act.

Protection of Female Children and Idiots.

A

BILL

To extend the Law for the Protection of young Females and Females of unsound Mind.

(Prepared and brought in by Lord Robert Grosvenor, Mr. Clive, and Mr. Warren.)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1857.

[Bill 36.]

Under 1 *oz.*

22 *June* 1857. 20 & 21 Vict.

A

BILL

FOR

The Incorporation of Public Charities.

WHEREAS numerous unincorporated Public Charities have their landed Property vested in Trustees, and the Appointment of new Trustees of such Charities from Time to Time is attended with Expenses and Inconveniences which it is expedient to remove: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall apply to all present and future unincorporated Public Charities having or acquiring any Lands, Tenements, or other Hereditaments in England or Wales, or in the Isle of Man, or any or either of the Channel Islands. Operation of the Act as to Charities.

II. With a view to the Registry and Incorporation of any such Public Charity as aforesaid, the Trustees thereof for the Time being or the Majority of them are hereby authorized and empowered to deposit with the Registrar General of Public Charities herein-after mentioned, the original Trust Deed of the Charity of which they are Trustees as aforesaid, together with every other Deed (if any) by which Charities to be incorporated by the Deposit of Trust Deeds with the Registrar General of Public Charities,

and the Registration thereof by him.

which at any Time subsequent to the Foundation of such Charity or the Creation of such Trust a new Trustee or new Trustees thereof shall have been appointed, in order and to the Intent that the same respectively may be registered as next herein-after mentioned, and the said Registrar General upon the Receipt by him of such original and subsequent Deed (if any) shall forwith cause the same to be registered in a Book to be provided by him for that Purpose, and kept in the General Register Office of Public Charities herein-after mentioned, and immediately upon and after the Registration of the Deed or Deeds relating to such Charity as aforesaid, the said Charity shall be deemed and taken to be lawfully incorporated for the Purposes of this Act; and the said Registrar General shall grant and issue to the Trustees of such Charity a Certificate of the Incorporation thereof under some appropriate Name.

Certificate of Incorporation to be granted by Registrar General.

Return of Names of new Trustees.

III. Whenever any new Trustee or new Trustees of a Charity shall be appointed after its Incorporation as aforesaid, a Return of the Name or Names of such new Trustee or new Trustees shall be made to the said Registrar General, verified by the Seal of the Corporation, and the Registrar General shall forthwith cause such Return to be registered as aforesaid, and on the Requisition of the Person making such Return and Payment of the Fee in that Behalf herein-after provided shall grant and issue to such Person a Certificate of the Appointment of such new Trustees, and from and immediately after such Registration as last aforesaid, and the Grant of such last-mentioned Certificate, the Person or Person whose Names are contained in such Return shall be deemed and taken to be duly constituted a Trustee or Trustees of the said Charity

Evidence of Incorporation.

IV. Any Certificate of Incorporation or of the Appointment of new Trustees granted by the said Registrar General, and purporting to be signed by him and to be sealed with his Seal of Office, shall be received in Evidence without any further or other Proof of such Certificate.

Duplicate Certificate of Incorporation to be filed in the General Registry Office.

V. The said Registrar General shall cause a Duplicate of every Certificate of Incorporation, and also a Duplicate of every Certificate of the Appointment of new Trustees granted and issued by him as aforesaid, to be made and filed with the Records of his Office.

Inspection and taking Copies of Documents.

VI. Every Person shall be entitled, between the Hours of Ten in the Morning and Four in the Afternoon of every Day except Sunday, Christmas Day, and Good Friday, on Payment of the Fee herein-after mentioned, to inspect any Deed or Document which has been deposited as already or herein-after mentioned with the said Registrar General, or the

the Duplicate of any Certificate of Incorporation or of the Appointment of new Trustees granted by him, and to have a certified Copy or Extract of any such Deed, Document, or Duplicate Certificate as aforesaid; and for every such Inspection the said Registrar General shall be entitled to demand and receive from the Person requiring the same the Sum of *One Shilling*, and for every such Copy or Extract a Sum not exceeding *Sixpence* for every One hundred Words contained therein; and every certified Copy or Extract as aforesaid, purporting to be signed by the said Registrar General and to be sealed with his Seal of Office, shall be received in Evidence in all Courts of Law and Equity and elsewhere, without any further or other Proof of the Deed, Document, or Certificate of which it purports to be such certified Copy or Extract.

General Register Office of Public Charities to be provided.

VII. It shall be lawful for the Commissioners of Her Majesty's Treasury to provide, either separately or in connexion with some existing Registration Department of the Government, a proper Office in London or Westminster, to be called "The General Register Office of Charities," for keeping a Register of all Public Charities in England and Wales, and in the Isle of Man and the Channel Islands, and for the Deposit of all Deeds, Writings, and Muniments of Title of or relating to any Charity as aforesaid, and the said Office shall contain sufficient Fire-proof Rooms, Vaults, or other Fire-proof Accommodation for the Reception and safe Custody of all such Deeds, Writings, and Muniments as aforesaid; and the said Commissioners shall appoint for the said Office a Registrar General of Public Charities, and from Time to Time at pleasure may remove him and appoint some other Person in his Room.

Appointment of Registrar General.

Appointment of other Officers.

VIII. The said Commissioners shall also appoint from Time to Time an Assistant Registrar General, and also such Clerks, Officers, and Servants as they shall deem necessary to carry on the Business of the said General Register Office, and at pleasure remove them or any of them; and the said Commissioners shall fix the Salaries of the Registrar General, Assistant Registrar General, Clerks, Officers, and Servants in fit Proportion to the Duties they may have to perform.

Salaries how to be paid.

IX. The Salaries of the Registrar General and of the Assistant Registrar General, Clerks, Officers, and Servants, and all Expenses of carrying on the Business of the said General Register Office, shall be paid out of any Monies which may from Time to Time be provided by Parliament for that Purpose.

Regulations for the Conduct of Officers.

X. One of Her Majesty's Principal Secretaries of State, or the Registrar General of Public Charities, with the Approbation of such

Principal Secretary, may from Time to Time make Regulations for the Management of the said General Register Office, and for the Duties of the Registrar General, Assistant Registrar General, Clerks, Officers, and Servants of the said Office in the Execution of this Act, so that they be not contrary to the Provisions herein contained, and the Regulations so made and approved shall be binding on the said Registrar General, Assistant Registrar General, Clerks, Officers, and Servants respectively. 5

The Registrar General to have a Seal of Office.

XI. The said Registrar General shall have a Seal of Office, to be by him used in the Authentication of all certified Copies or Extracts of Deeds, Documents, and Certificates, and of all other Matters relating to his said Office, in respect of which such Authentication is by this Act required. 10

Duty of Assistant Registrar General.

XII. The Assistant Registrar General shall, in the Absence of the Registrar General, be competent to do all Things which the Registrar General is authorized or empowered, directed or required to do, as fully and effectually, to all Intents and Purposes, as the Registrar General himself may do, and all the Provisions of this Act relating to the Signature and Seal of Office of the said Registrar General shall apply to the said Assistant Registrar General. 15 20

Payment of Fees.

XIII. On the granting of a Certificate of Incorporation, the Registrar General shall be entitled to demand and receive of and from the Person requiring such Certificate, the Sum of *Three Pounds*, and on the Registration of every Appointment of new Trustees after the granting of the Certificate of Incorporation, the Fee of *Ten Shillings*. 25

Effect of Incorporation.

XIV. On the issuing of the Certificate of Incorporation of any Charity as aforesaid by the said Registar General, such Charity shall become an Incorporation from the Date of such Certificate, by the Name therein set forth, and for the Purposes and subject to the Provisions set forth in the Trust Deed of the said Charity; and such Charity shall continue so incorporated until it shall be dissolved under the Provisions of the said Trust Deed, or otherwise in due Course of Law; and whilst incorporated it shall be lawful for the said Corporation, and it is hereby authorized to exercise the following Powers; (namely,) 30 35

1. To use the Corporate Name of the Charity:
2. To have a Common Seal (whereon shall be inscribed the Name of the Charity), with Power to change the same from Time to Time:
3. To sue and be sued by their Corporate Name: 40
4. To enter into Contracts for Works:

5. To

5. To hold the Lands, Tenements, and Hereditaments previously vested in the Trustees of the Charity:
6. To purchase and hold in the Name and for the Purposes of the said Corporation any Lands, Tenements, and Hereditaments, but not exceeding in any Case *Two Acres* of Land (except with a Licence for that Purpose first had and obtained from the said Registrar General of Public Charities, who is hereby authorized to grant such Licence, subject to the Approval of One of Her Majesty's Principal Secretaries of State):
7. To exercise such Powers of borrowing Money and of Sale and Exchange as may be prescribed by the Trust Deed of the Charity:
8. To hold Meetings under the Provisions of the Trust Deed:
9. To make Byelaws, not being repugnant to the Provisions of the Trust Deed:
10. To perform all other Acts necessary for carrying into effect the Objects of the Charity.

Providing for Payment in lieu of Fine on Death or Alienation of Copyhold Property.

XV. Where Property held by a Corporation to be formed under this Act shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Property shall be holden, at the Expiration of every *Forty Years* after the Incorporation as aforesaid, so long as such Property shall belong to any Corporation as aforesaid, to receive and take a Sum corresponding to the Fine or Heriot, if any, which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof, and such Payment shall be in full of all Fines and Heriots payable to the said Lord or Lady of the Manor whilst the same shall belong to such Corporation, and the said Lord or Lady shall have all such Powers for the Recovery of such Sums as such Lord or Lady would have had in the event of the Tenant or Tenants of such Property having died or having alienated the same.

Not necessary to enrol Trust Deeds in Chancery.

XVI. When any Charity shall have been incorporated under this Act, it shall not be necessary to enrol any of the Deeds creating such Charity in Her Majesty's High Court of Chancery, under the Provisions of the Act made in that Behalf and passed in the Ninth Year of the Reign of His Majesty King George the Second, Chapter Thirty-six.

Fees received by the Registrar General under

XVII. All Sums received under the Provisions of this Act by or on account of the Registrar General of Public Charities shall be accounted for by the said Registrar General, and paid by him, at such

this Act to be accounted for and paid into the Exchequer pursuant to 4 & 5 W. 4. c. 15.

Times as the Commissioners of Her Majesty's Treasury from Time to Time shall direct, into the Bank of England, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of His late Majesty King William the Fourth, intituled "An Act to regulate "the Office of the Receipt of Her Majesty's Exchequer of West-"minster."

Deeds belonging to Charities may be deposited with the Registrar General for safe Custody.

XVIII. It shall be lawful for the Trustees or Trustee for the Time being of any such Charity as aforesaid having the Custody of any Deeds, Writings, or Muniments of Title relating thereto, to deposit the same for safe Custody with the said Registrar General, subject to regulations to be made as aforesaid.

Commencement of Act.

XIX. This Act shall come into operation on *the First Day of September One thousand eight hundred and fifty-seven.*

A

BILL

For the Incorporation of Public Charities.

(Prepared and brought in by Mr. Hardcastle, Mr. Headlam, and Mr. Evans.)

Ordered, by The House of Commons, *to be Printed, 22 June* 1857.

[Bill 73.]

Under 1 *oz.*

3 *July* 1857. 20 & 21 Vict.

A

BILL

TO

Apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein.

WHEREAS a Petition for the Application of the Public Health Act, 1848, to the Parish of Aldershot in the County of Southampton, duly signed, has been received by the General Board of Health: And whereas a Superintending Inspector has duly held a Preliminary Inquiry in the District: And whereas it is desirable that the Public Health Act, 1848, shall be applied to the Parish of Aldershot without Delay, and that the Local Board to be constituted therein shall consist partly of Persons elected by the Ratepayers of the Parish and partly of Persons to be nominated by the Military Authorities: And whereas these Objects cannot be obtained without the Authority of Parliament: Now therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That— Preamble.

I. The Public Health Act, 1848, shall apply to the Parish of Aldershot, and the said Parish shall be a District for the Purposes of the said Act, in the same Manner as if the Act had been applied in pursuance Public Health Act to be applied to Aldershot.

pursuance of the Powers vested in the General Board of Health, except in the Matters specially provided for in this Act.

Local Board to consist of Twelve Persons.

II. The Local Board of Health for the said Parish shall consist of *Twelve* Persons, videlicet, *Nine* to be elected by the Ratepayers of the said Parish in the Manner provided by the Public Health Act, and *Three* to be nominated from Time to Time by Her Majesty's Principal Secretary of State for War for the Time being.

One Third to go out annually.

III. *One Third* of the elected Members of the said Board shall go out of Office on the Day next after the Expiration of a Year from the Day appointed in this Act for the First Election of the said Local Board, and so on annually.

The Three Persons nominated by the War Department to hold Office during Pleasure.

IV. The *Three* Persons to be nominated by the Secretary of State for War shall hold Office during his Pleasure.

Vacancies in nominated Members to be filled up by Secretary of State for War.

V. It shall be lawful for Her Majesty's Principal Secretary of State for War from Time to Time to fill up Vacancies arising among Persons so nominated.

Qualification of elected Members.

VI. Every such elected Member of the Local Board shall, when elected and while he continues a Member of the said Local Board, be resident as in the Public Health Act, 1848, is required, and be possessed of Real and Personal Estate, or both, to the Amount of not less than *Seven hundred Pounds*, or shall be so resident and rated to the Relief of the Poor of the said Parish, or of some Township or Place of which some Part is within the said District, upon an annual Value of not less than *Twenty Pounds*.

First Election.

VII. The First Election of the said Local Board shall be held within *One Month* of the passing of this Act: At the First Election of the said Local Board, Mr. Hugh Sears, of Park House Farm, Aldershot, shall perform the Duties which it may be requisite for him to perform in conducting the said First Election; and in case the said Hugh Sears, from Illness or other sufficient Cause, shall be unable to discharge such Duties, or shall be absent or refuse to act, then Mr. James Elstone, of Aldershot aforesaid, shall perform such of the said Duties as then remain to be performed.

To whom Notices of Qualification are to be given.

VIII. The *Fourteen* Days Notice of Qualification required by the Public Health Act, 1848, to be given by Owners of Property in order to entitle them to vote at the said First Election shall be given to the said Hugh Sears, at Park House Farm, Aldershot, or in case he shall refuse

refuse or be unable to receive the same, then to the said James Elstone at his Residence within the aforesaid Parish of Aldershot.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act for Aldershot, 1857." Short Title.

Public Health Act (Aldershot).

A

BILL

To apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein.

(Prepared and brought in by Mr. Monsell and Mr. Cowper.)

Ordered, by The House of Commons, *to be Printed,* 3 *July* 1857.

[Bill 102.]

Under 1 *oz.*

Public Health Act (1848) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Short Title of Act.
2. Division of Act.
3. Limits of Act.
4. Interpretation of certain Terms in this Act.
5. Construction of incorporated Acts.

PART I.

Adoption of the Act.

Preliminary.

6. Definition of "Ratepayer" and "Owner."
7. Provision as to Ratepayer in Extra-parochial Place.
8. Provisions as to Corporations, &c. voting as Ratepayers.

Adoption of the Act by Places having a known and defined Boundary.

9. Power for Place to adopt Act.
10. Act to be adopted by Resolution of Council, Local Board Improvement Commissioners, or Owners and Ratepayers.
11. As to Resolution of Council, Local Board of Health, or Improvement Commissioners.
12. Application for Meeting of Ratepayers.
13. Notice of Meeting.
14. Meeting to choose Chairman.
15. Rules as to passing of Resolutions of Owners and Ratepayers.
16. Poll how taken.
17. Penalty for forging, &c. of Voting Papers.
18. Provision as to less Place included within the Limits of a greater.

Appeal against Adoption of Act.

19. Appeal against Resolution adopting Act.
20. Petition to Committee of Council for Health.
21. Power of Committee of Council for Health on Receipt of Petition.
22. Inspector to give Notice of Inquiry.
23. Committee of Council for Health to make Order.

Adoption of Act by Place not having a known or defined Boundary.

24. Place with an undefined Boundary may petition to have Boundary settled.
25. Rules as to Petitions for Settlement of Boundaries.
26. Place may adopt Act when Boundary settled.
27. No Appeal by Part of Place.

General Provisions in relation to Adoption.

28. Notice of Resolution adopting Act.
29. Act when to take effect.
30. Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.
31. Power for Place to make further Adoption.
32. Rules as to Objections.
33. Evidence.
34. Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates.

PART II.

Constitution, Proceedings, and General Powers of Local Boards of Health.

Constitution of Local Boards.

35. Local Boards of Health how constituted.
36. District may be divided into Wards.
37. Election of Members of Local Boards.

Proceedings of Local Boards—Boroughs.

38. Proceedings of Local Boards where District is a Borough.
39. District becoming a Borough.

Local Boards—Districts not being Boroughs.

40. Proceedings of Local Boards where District is not a Borough.
41. Penalty on summoning Officer or Chairman.
42. Contracts by Committee or Local Board, how to be entered into.
43. General Disqualification of Members of Local Boards.
44. Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.
45. Penalty on disqualified Member of Local Board acting.

General Powers of Local Boards.

46. Union of adjoining Districts.
47. Petition for Incorporation of Part of an adjoining Place, or for Alteration of Local Acts, Provisional Orders, or Orders in Council.
48. Power of Committee of Council for Health on Receipt of Petition.
49. Inspector to give Notice of Inquiry.
50. Committee of Council for Health to prepare Order and obtain Consent of District.
51. Consents how testified.
52. Provision as to Meetings of Part of a Place.
53. Committee of Council for Health to obtain Confirmation of Order.
54. As to Powers given by Statute to former Local Boards.
55. Power of Local Board to execute Works in adjoining Place.

PART III.

Special Powers of Local Boards of Health.

1. *Officers.*

56. Appointment of Officers.
57. Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.
58. Incorporation of Sections of Commissioners Clauses Act.
59. Local Boards to provide Offices.

Sewerage.

60. Sewers, &c. vested in Local Board.
61. Powers of Local Board as to Sewerage within District.
62. Powers of Local Board both in and out of District.
63. Penalty for making unauthorized Sewers and building under Streets.
64. Use of Sewers by Persons beyond the District.
65. Local Board may cause their Sewers to communicate with Sewers out of the District.
66. Regulations as to Drains of existing Houses.
67. Regulations as to Drains of new Houses.
68. Penalty on Noncompliance with the foregoing Rules.
69. Map exhibiting System of Sewerage.

Cleansing

70. Rules with respect to Scavenging.
71. Powers of Local Board in respect of Scavenging.
72. Penalty on unauthorized Scavenging.
73. Power of Local Board to make Byelaws.

74. Local Board may make Byelaws as to Nuisances.
75. Public Necessaries.
76. Local Board may order Waterclosets, &c. to be erected in Houses, whether built before or after the Constitution of the District.
77. Certain Waterclosets to be constructed in Factories, &c.
78. Restriction on Establishment of offensive Trades.
79. Beds of running Streams to be kept clear.

New Streets and Houses.

80. Power to make Byelaws with respect to new Houses.

Streets.

81. Provisions as to Public Streets.
82. Provisions as to Streets not being Highways.
83. Penalty on displacing Stones, &c.

Roads.

84. Provisions as to Roads.
85. Power of Local Board with respect to Turnpike Roads.
86. Local Board may determine whether a Place is a Street or Road for Purposes of cleansing.

Incorporation of Provisions of Consolidation Clauses Acts, 1847, (*Police and Towns Improvement*).

87. Incorporation of Provisions of Towns Police Clauses Act, 1847.
88. Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.
89. Rule as to Incorporation of Provisions in preceding Section.

Markets and Fairs.

90. Power of Local Board to establish Markets and Fairs.
91. Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

Supply of Water.

92. Provisions with respect to Supply of Water.
93. Supply of Water compulsory when it can be furnished at 3*d.* per Week.
94. Offences with respect to Water.

Lighting.

95. Regulations as to lighting.

Slaughter-houses.

96. Rules as to Slaughter-houses.

Pleasure Grounds.

97. Local Board may provide Places of Public Recreation, &c.

Baths and Wash-houses.

98. Local Board may adopt Baths and Washhouses Act.

PART IV.

General Provisions.

Cellars.

99. Cellars, &c. not to be let as Dwelling Rooms, except, &c.
100. Time of Provisions coming into operation.

Expenses and Rates.

101. District Fund Account to be kept.
102. Compensation in case of Damage by Local Board.
103. Application of Penalties.
104. Rules as to Private Expenses.
105. Deductions in respect of Private Expenses.
106. Redemption of Charge for Private Expenses.
107. Charge for Supply of Water.
108. Water Rate payable in advance, &c.
109. General Expenses to be defrayed out of General District Rate.
110. Regulations as to General District Rate.
111. District may be divided.
112. Recovery of separate Rate.
113. Allowance to be made in case of new Sewer.
114. Local Board may allow Owners Time for Repayment of Expenses.

Mortgage of Rates.

115. Mortgage of Rates.
116. Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances
117. Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate.
118. Power to borrow Money to pay off former Mortgages.
119. Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.
120. Mortgagees not to have Priority.
121. Mortgagees may apply for Receiver.

Audit of Accounts.

122. As to Audit of Accounts.
123. Power to Auditor to require Production of Books, &c.
124. Notice of Audit.
125. Report of Auditors

Notices.

126. Notices by Local Board, how to be signed.
127. As to Service of Notice on Owners and Occupiers of Buildings and Lands.
128. Notice to be binding on Assigns.

Byelaws.

129. Byelaws.
130. Byelaws may be enforced by Imposition of Penalties.
131. Byelaws to be confirmed.
132. Notice of Confirmation to be given.
133. A Copy of proposed Byelaws to be open to Inspection.
134. Publication of Byelaws.
135. Evidence of Byelaws.

Legal Proceedings.

136. Rules as to Arbitrations.
137. Recovery of Penalties, &c.
138. Appeal to Quarter Sessions.
139. Court to make such Order as they think reasonable.
140. Notice of Action.
141. Tender of Amends.
142. Things required to be done by Two Justices may, in certain Cases, be done by One.
143. Justice not disqualified by being a Member of Local Board.

Reporting on Execution of Act.

144. Accounts to be transmitted to the Committee of Council for Health.

Miscellaneous.

145. Entry upon Lands for the Purposes of this Act.
146. Power to require Gas and Water Pipes to be moved.
147. Superintending Inspectors may summon Witnesses and call for Plans, &c.
148. Penalty for obstructing Officers, defacing Boards, &c.
149. Penalty on Injury to Works, &c. of Local Board.
150. Penalty on Occupier preventing Execution of Works.
151. Persons giving false Evidence liable to Penalties of Perjury.
152. Persons acting in execution of Act not to be personally liable.
153. Exemptions from Stamp Duty.
154. Local Board may levy a Highway Rate in certain Cases.
155. Local Board may retain Power of purchasing Land.

156. Provision as to Cellar Clauses.
157. Power for Local Boards to divide Districts into Wards.
158. Powers of Local Boards may be extended in certain Cases.
159. Power to fill up casual Vacancies.
160. Powers of Local Boards not to be affected.

Oxford and Cambridge.

161. Exception of Oxford and Cambridge.
162. Adoption of Act by Oxford.
163. Adoption of Act by Cambridge.
164. Local Board of Oxford District.
165. Local Board of Cambridge District.
166. Quota of Rates to be paid by the Universities, &c.

Saving Clauses.

167. Saving Clause for Proprietors of Canals, &c.
168. Works which interfere with Improvement to be referred to Arbitration.
169. Effect of Arbitration.
170. Saving Clause as to Transfer.
171. Power for Corporation to alter Sewers.
172. Saving Clause for Rights of Millowners, &c.
173. Arbitration Questions under preceding Sections.
174. Existing Liabilities to make Sewers, &c. not to be discharged.
175. Saving Clause for Rights of Waterworks Companies.
176. Act not to affect Nuisances at Common Law.
177. Saving Rights of Occupiers as to Private Expenses.
178. Saving Clause as to Metropolitan Roads.
179. Saving Clause as to Transfer of Powers.
180. Saving existing Debts.

Public Health Act, 1848, *not to be applied.*

181. Public Health Act, 1848, not to be applied in future.

SCHEDULE.

A

BILL

TO

Amend the Public Health Act, 1848, and to make further Provision for Town Improvement.

WHEREAS it is expedient that further Provisions should be made for improving the Condition of Towns and populous Places in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Public Health Act, 1857." Short Title of Act.

II. This Act shall be divided into Four Parts: Division of Act.

The First Part relating to the Adoption of the Act:

The Second Part relating to the Constitution, Proceedings, and general Powers of Local Boards of Health:

The Third Part relating to the special Powers of Local Boards of Health:

The Fourth Part relating to General Provisions.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by or applied to any Place within the Limits of the Metropolis, as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act for the better Local Management of the Metro-" polis," unless the Public Health Act, 1848, has already been applied to such Place. Limits of Act

Interpretation of certain Terms in this Act:

IV. In the Construction and for the Purposes of this Act and of the several Acts incorporated herewith (if not inconsistent with the Context or Subject Matter) the following Terms and Expressions shall have the respective Meanings herein-after assigned to them; that is to say, 5

"Person:" The Term "Person" and Words applying to any Individual shall apply to and include Corporations Aggregate or Sole:

"Owner:" The Term "Owner" shall mean the Person for the Time being entitled to receive the Rackrent of the Lands or Premises in connexion with which the Term is used, whether on his own 10 Account or as Trustee or Agent for any other Person, or who would be so entitled to receive the same if such Lands or Premises were let at a Rackrent:

"Lands:" "Premises:" The Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments, of any 15 Tenure:

"The Treasury:" The Expression "the Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being:

"The Committee of Council for Health:" The Term "The Committee of Council for Health" shall mean 20 the Lords of the Committee of Her Majesty's Privy Council for Health:

"Borough:" The Term "Borough" shall mean any City, Borough, or Town Corporate specified in the Schedule to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His 25 late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," and every Municipal Corporation in England created since the passing of that Act:

"District:" The Term "District" shall mean any Place by which this Act 30 may be adopted, wholly or partially:

"Constitution of District:" The Term "Constitution of District" shall include the Adoption by any District of this Act or Part thereof:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in open Court, or One Stipen- 35 diary or Police Magistrate acting in any Police Court, for the District in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices," arises:

"Court of Quarter Sessions:" The Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace held for the County, 40 County of a Town, Riding, or Division of the County within which the District or any Part thereof is situate where the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises, unless such District or any Part thereof shall be situate in a Borough having a separate Quarter Sessions 45 of

of the Peace presided over by a Recorder, in which case the Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace held for the said Borough:

"Local Officer:" Whenever the Name of any Officer or Body of Persons having local Jurisdiction in respect of his or their Office is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer or Body of Persons having Jurisdiction in that Place within which is situate the Subject Matter to which such Reference applies:

"Public Local Act:" The Expression "Public Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) having relation to any of the Purposes of this Act, and not conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals for their own pecuniary Benefit:

"Private Local Act:" The Expression "Private Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) conferring or securing Power or Privileges upon or to Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit:

"Improvement Commissioners:" The Expression "Improvement Commissioners" shall mean the Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of cleansing, paving, or otherwise improving any Town:

"Drain:" The Term "Drain" shall mean any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed:

"Sewer:" The Term "Sewer" shall include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies:

"Waterworks Company:" The Expression "Waterworks Company" shall include any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit:

"Waterworks:" The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company:

"Slaughter-house:" The Term "Slaughter-house" shall include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used in the course of a Trade or Business for slaughtering Cattle, Horses, or Animals of any Description:

"Street:" The Term "Street" shall include a Square, Circus, Crescent, Terrace, Place, Row, Mews, Alley, Court, Passage, or other like

Place in which the Houses on one Side or both Sides are continuous or separated only by small Intervals of Space:

"Public Street:" The Term "Public Street" shall include any Street as herein-before defined that is a Highway repairable at the Public Expense: 5

"Road." The Term "Road" shall include all such of the following Ways as are not included in the above Definition of a Public Street, and are Highways repairable at the Public Expense; (that is to say,) all Bridges, Footways, Horseways, Driftways, Carriageways, Cartways, Churchways, and other Public Ways, with the Exception of Turnpike Roads and County Bridges, which shall not be included in such Term. 10

Construction of incorporated Acts. V. In the Construction of the Acts herein-after incorporated with this Act the Expression "the Special Act" shall mean this Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act" shall mean "the Date of the Constitution of the District as herein-after defined;" and the Local Board shall according to the Tenor of the incorporated Act be deemed to be the Promoters of the Undertaking, "Commissioners," "Town Commissioners," or "Undertakers." 15 20

PART I.

Adoption of the Act.

Preliminary.

Definition of "Ratepayer." VI. For the Purpose of doing any Act or enjoying any Privilege within any Place, in pursuance of the Provisions herein-after contained, the Persons herein-after mentioned, and no others, shall be deemed to be Ratepayers; that is to say, Persons who are not in Receipt of Parochial Relief, and have also complied with all the following Conditions; (that is to say,) 25 30

(1.) Have been rated to the Relief of the Poor of such Place, or of some Part of such Place, for the Year immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also,

(2.) Have paid all Sums of Money that may be due from them in respect of such Rating, as lastly herein-before mentioned, with the Exception of such Sums as may have accrued due during the *Six* Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also, 35 40

(3.) In Cases where "The Public Health Act, 1848," or this Act, is in force within such Place or any Part thereof, have paid

paid all Rates, Charges, and other Sums of Money that may be due from them by virtue of the said Acts or either of them, with the Exception of such Rates, Charges, and Sums as may have accrued due during the *Six* Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege:

And the Persons herein-after mentioned and no others shall be deemed to be Owners; that is to say, Persons for the Time being entitled to receive the Rackrent of Lands or Premises within such Place, whether on their own Account or as Trustees or Agents for any other Person, or who would be so entitled to receive the same if such Premises were let at a Rackrent.

Provision as to Ratepayer in Extra-parochial Place.

VII. In Cases where any Person will, if this Act is adopted by any Place, be liable to contribute to any Rate levied under this Act, although he is not for the Time being liable to be assessed to any Rate for the Relief of the Poor, by reason of his Property being extra-parochial, such Person may, on making an Application to such Summoning Officer as is herein-after mentioned, and on proving such eventual Liability, be empowered to vote as a Ratepayer in respect of the Adoption of this Act, and he shall, in the event of such Adoption being made, either wholly or partially, and upon Compliance with the Provisions of the last Section, so far as the same are applicable to his Case, have as respects this Act all the Privileges of a Ratepayer.

Provisions as to Corporations, &c. voting as Ratepayers.

VIII. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, or Trustees or Feoffees for Public or Charitable Purposes, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers, or Trustees or Feoffees respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern, or by Majority of such Trustees or Feoffees; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, nor Member of such Body, shall be entitled to act individually as a Ratepayer in respect of such Property.

Adoption of the Act by Places having a known and defined Boundary.

Power for Place to adopt Act.

IX. Any Place, having a known or defined Boundary, may adopt this Act, either wholly or partially: Upon a partial Adoption it shall be competent for such Place to exclude any of the Provisions con-

tained in the Third Part of this Act, but no other, subject to this Proviso, that it shall not be lawful to exclude a Portion only of the Provisions comprehended under any One Heading.

Act to be adopted by Resolution of Council, Local Board, Improvement Commissioners, or Owners and Ratepayers.

X. The Adoption of this Act, either wholly or partially, shall be testified as follows; (that is to say,)

(1.) In Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Districts (including Boroughs,) to which the Public Health Act, 1848, has been applied, by Resolution of the Local Board of Health assembled at a Meeting for the Purpose:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(4.) In all other Places by a Resolution of the Owners and Ratepayers.

As to Resolution of Council, Local Board of Health, or Improvement Commissioners.

XI. No Resolution for the Adoption of this Act, either wholly or partially, passed by any Council, Local Board of Health, or Board of Improvement Commissioners, at any Meeting, shall be valid, unless *a Month's* previous Notice of such Meeting has been given in manner in which Notices of Meetings of such Council, Local Board, or Board of Commissioners are usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day.

Application for Meeting of Ratepayers.

XII. In Places not being Boroughs, Districts to which the Public Health Act, 1848, has been applied, or Towns under the Jurisdiction of such Improvement Commissioners as are herein-before mentioned, the following Officers, herein-after included under the Term Summoning Officer, that is to say, the Churchwardens or One of them, or if there are no Churchwardens, the Overseers or One of them, or if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him, any Person appointed by the Committee of Council for Health, shall, upon an Application being made to him in Writing by any *Ten* Ratepayers of any such Place, call a Meeting of the Owners and Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act, either wholly or partially.

Notice of Meeting.

XIII. Upon the Receipt of such Application the Summoning Officers shall fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof,

By

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed.

Meeting to choose Chairman.

XIV. The Meeting, on its assembling together, shall choose One of its Number as Chairman: The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day.

Rules as to passing of Resolutions of Owners and Ratepayers.

XV. The Chairman shall propose to the Meeting any Resolution in relation to the Adoption of the Act, and if any Amendment on such Resolutions shall be moved he shall require the Owners and Ratepayers present to determine what Question shall be put, and also to decide such Question in the Affirmative or Negative: Provided that if any of such Owners and Ratepayers shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken in manner herein-after provided; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting.

Poll how taken.

XVI. The following Regulations shall be observed with respect to the taking of a Poll; that is to say,

(1.) The Summoning Officer shall, as soon as may be after the Meeting at which a Poll is demanded, appoint a Day or Days for taking the same, and publish such Appointment by affixing a Notice thereof to the principal Doors of every Church or Chapel within the Place to which Notices are usually affixed: He shall also cause Voting Papers to be prepared, specifying the Resolution in respect of which a Poll has been demanded:

(2.) Such Voting Papers shall be in the Form marked A. in the Schedule hereto, or in such other Form as may from Time to Time be approved by the Committee of Council for Health:

(3.) The Summoning Officer shall, *Three* Days before the Day appointed for taking the Poll, cause a Voting Paper to be delivered by a Person appointed for the Purpose at the Address within the District of each Ratepayer, and each Owner who within a Week before that Day shall have applied to him for the same by a Claim containing his Name and Address in Writing, and a Description of the Nature of his Estate or Interest in the Property giving the Qualification,

cation, and a Statement of the Amount of all Rent, if any, which he may receive or pay in respect thereof, and of the Persons from whom he receives or to whom he pays the same; and no Corporation Aggregate, Joint Stock or other Company, Body of Proprietors, or Undertakers, or Trustees, or Feoffees, shall be entitled to vote unless their Claim contains the Name and Address of the Proxy appointed by them, and a true Copy of that Appointment:

(4.) When such Person shall be unable to deliver the Voting Paper at any Ratepayer's or Owner's Address, he shall notify on the Back thereof the Fact and Cause of the Non-delivery, and deposit the Voting Paper in a Bag to be supplied to him by the Returning Officer, and shall return the same to that Officer:

(5.) Ratepayers and Owners shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have *One Vote*, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have *Two* Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have *Three* Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have *Four* Votes, if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have *Five* Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have *Six* Votes; and any Person who is Owner and also bonâ fide Occupier of the same Property shall be entitled to vote both as Owner and Ratepayer in respect of such Ownership and of such Occupation:

(6.) Each Voter shall fill up the Voting Paper by writing his Initials under the Heading "in favour of" or "against," according as he votes for or against the Resolution, and shall subscribe his Name at the Foot of the Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter under the Heading "in favour" or "against," according as he votes for or against the Resolution:

(7.) The

(7.) The Summoning Officer shall cause the Voting Papers to be collected on the Day or Days appointed for the taking of the Poll, by Persons to be employed for the Purpose, in such Manner as he directs; but, except as herein-after mentioned, no Voting Paper shall be received unless the same has been delivered at the Address of the Voter in the District, and collected by the Persons employed for that Purpose:

(8.) If any Person qualified to vote has not received a Voting Paper, he shall, on Application to the Summoning Officer, before the Day appointed for the taking of the Poll, be entitled to receive a Voting Paper from him; and in case any Voting Paper has not been collected through the Default of the Summoning Officer, or the Person employed to collect the same, the Voter, in Person, may deliver the same to the Summoning Officer on the Day appointed for the taking of the Poll:

(9.) The Summoning Officer shall examine the Votes so delivered to him, and having ascertained their Validity shall sum up the Result; and any Resolution in favour of which a Majority of Votes has been given shall be deemed to be a Resolution of the Owners and Ratepayers of the Place:

(10.) The Summoning Officer shall publish the Result of any Poll so taken as aforesaid by affixing Notice thereof to the principal Doors of the Churches and Chapels within the Place to which Notices are usually affixed:

(11.) The Voting Papers, together with all Documents relating to the taking of the Poll, shall be retained by the Summoning Officer for *Six* Months after the taking of the Poll, and shall be open to public Inspection at such Place as he may appoint at all reasonable Hours:

(12.) All Expenses incurred by the Summoning Officer of any Place in pursuance of this Section shall, if this Act is adopted, be paid out of the General District Rates herein-after mentioned, but, if this Act is not adopted, be a Charge on and payable out of the Poor Rate, in the same Manner as if the same were Expenses incurred in the Relief of the Poor of such Place.

Penalty for forging, &c. of Voting Papers.

XVII. If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the

 same

same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour. 5

Provision as to less Place included within the Limits of a greater.

XVIII. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt 10 the same, or unless it has been determined by the Committee of Council for Health in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Appeal against Adoption of Act. 15

Appeal against Resolution adopting Act.

XIX. In Cases where a Resolution adopting this Act, wholly or partially, as aforesaid, has been passed in any Place having a known and defined Boundary, if any Number being not less than *One Tenth* of the Ratepayers of such Place are desirous that any Part of such Place should be excluded from the Operation of this Act, or of any of 20 the adopted Provisions thereof, they may present a Petition to the Committee of Council for Health appealing against such Resolution, and praying that such Exclusion may be made.

Petition to Committee of Council for Health.

XX. Such Petition shall be presented to the Committee of Council for Health within *Fourteen* Days from the Date of the passing of the 25 Resolution appealed against, and shall state the following Things:

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion:

It shall be subscribed by the Ratepayers presenting the same, and 30 the Genuineness of such Subscription, and the Truth of the Statements on the Petition, shall be proved in such Manner as the General Board directs.

Power of Committee of Council for Health on Receipt of Petition.

XXI. Upon the Receipt of any such Petition as aforesaid, the Committee of Council for Health may, if they think fit, send an Inspector 35 to the proposed District, for the Purpose of making Inquiry,

(1.) As to the Genuineness of the Petition; and

(2.) As to the Matters alleged in such Petition.

Inspector to give Notice of Inquiry.

XXII. Before commencing such Inquiry, the Inspector shall give such Notice as the Committee of Council for Health may direct of his 40 Intenti

Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

XXIII. The Committee of Council for Health shall make such Order as they think just with respect to the Matters in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the Committee of Council for Health may make such Order as to the Costs of such Appeal, and the Parties by whom such Costs are to be borne, as they think fit.

Committee of Council for Health to make Order.

Adoption of Act by Place not having a known or defined Boundary.

XXIV. Any Place not having a known and defined Boundary, or any Part of a Place that has a known and defined Boundary, provided that such first-mentioned Place or such Part of a Place does not form Part of a Borough, or of a District to which the Public Health Act, 1848, has been applied, or of a Town having such a Board of Improvement Commissioners as are herein-before authorized to adopt this Act, may, in manner herein-after mentioned, petition the Committee of Council for Health to settle its Boundary, for the Purposes of this Act.

Place with an undefined Boundary may petition to have Boundary settled.

XXV. The following Rules shall be observed with respect to Petitions presented to the Committee of Council for Health for the Settlement of Boundaries; (that is to say,)

Rules as to Petitions for Settlement of Boundaries.

(1.) The Petition shall state the proposed Boundaries of the Place, shall be signed by *One Tenth* of the Ratepayers resident within such Boundaries, and shall be supported by such Evidence as the Committee of Council for Health require:

(2.) Upon the Receipt of such Petition the Committee of Council for Health may, if they think fit, send an Inspector to the Place for the Purpose of making Inquiries as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries:

(3.) Before commencing such Inquiry the Inspector shall give such Notice as the Committee of Council for Health direct of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject of such Inquiry:

(4.) The Committee of Council for Health may, upon Consideration of the Matter, either dismiss the Petition altogether, or make such Order as they think fit as to the Boundaries of the Place: They may also make such Order as they think reasonable as to the Costs of the Proceedings under this Section, and the Parties by whom such Costs are to be borne.

Place may adopt Act when Boundary settled.

XXVI. Any Place, the Boundaries of which have been settled by the Committee of Council for Health, in pursuance of the foregoing Section, shall thenceforth for the Purposes of this Act be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly, and for the Purpose of enabling it so to do the Committee of Council for Health shall, by the Order settling such Boundaries, appoint a Summoning Officer, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to adopt this Act; and if such Officer dies, becomes incapable, neglects, or refuses to perform his Duties, the Committee of Council for Health may, on the Application of any *Four* Ratepayers, appoint another Officer in his Room.

No Appeal by Part of Place.

XXVII. No Part of a Place the Boundaries of which have been so settled as aforesaid shall appeal against the Adoption of this Act by such Place.

General Provisions in relation to Adoption.

Notice of Resolution adopting Act.

XXVIII. Whenever a Resolution adopting this Act, wholly or partially, has been passed in any Place, Notice thereof shall be given to the Committee of Council for Health by the following Persons; that is to say,

In Boroughs by the Mayor:

In Districts other than Boroughs to which the Public Health Act, 1848, has been applied, by the Chairman of the Local Board of Health:

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places by the Summoning Officer:

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And the Committee of Council for Health shall publish a Copy of such Notice in the London Gazette.

Act when to take effect.

XXIX. Whenever any Resolution adopting this Act, in whole or in part, has been passed in any Place, this Act or such Provisions thereof as may have been adopted shall, at the Expiration of *Two* Months from the Date of the passing of such Resolution, or in the event

event of an Appeal being made to the Committee of Council for Health then at such Time as may be mentioned in the Order made by the Committee of Council for Health on such Appeal, have the Force of Law within such Place; and the Expiration of such Period of *Two* Months, 5 or such Date as may be mentioned in the Order of the Committee of Council for Health as the Time for this Act or the adopted Provisions thereof to come into force, shall herein-after be called the Date of the Constitution of the District: Provided, that the Provisions of this Act relating to Purposes already included in any Public Local Act in force 10 within the District, notwithstanding the Adoption of them as herein-before provided, shall not come into operation until an Order has been made and confirmed as herein-after prescribed for the future Execution, Repeal, or Alteration of the said Public Local Act.

Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.

XXX. Whenever this Act is adopted, wholly or partially, by 15 any District within which the Public Health Act, 1848, or any Part thereof, is in force, then, in addition to the foregoing Results, the following Consequences shall ensue; that is to say, if this Act is adopted in the whole it shall be considered as substituted for the Public Health Act, 1848, in the District, and in any Order in Council 20 or Provisional Order applying the Public Health Act to the District; and if this Act is adopted only in part, the Provisions so adopted shall be considered as substituted for the corresponding Provisions, if any, of the said Public Health Act in the District, and in the Order in Council or Provisional Order applying the said Public Health Act 25 to the District; but no such Substitution shall affect any Right or Liability under any existing Contract, or any Remedy for enforcing such Right or Liability.

Power for Place to make further Adoption.

XXXI. Any Place that has adopted this Act partially may, in manner herein mentioned, at any Time or Times thereafter adopt any 30 Part or Parts previously excluded from Adoption.

Rules as to Objections.

XXXII. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, either wholly or partially, or to the Validity of any Proceedings taken in pursuance of the First Part of this Act, or to any Order made by the 35 Committee of Council for Health in pursuance of such First Part, or to any Proceedings upon which such Order was founded, unless the Objector has given *Fourteen* Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be 40 made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Calendar Months from the Date of the Constitution of the District.

Evidence.

XXXIII. The Adoption of this Act shall be considered to be duly proved at any Trial or in any legal Proceeding, by a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that a Resolution adopting this Act has been passed in such Place, or by any Newspaper purporting to contain an Extract from the London Gazette to the same Effect. 5

Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates.

XXXIV. In Cases where this Act has been adopted, wholly or partially, by any Place, all Costs, Charges, and Expenses incurred by the Committee of Council for Health, in relation to any such Adoption, or to any Proceedings connected therewith, or which the Committee of Council for Health is required to take under this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding *Five*, together with Interest, after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid. 10 15 20

PART II.

Constitution, Proceedings, and General Powers of Local Boards of Health.

Constitution of Local Boards.

Local Boards of Health how constituted.

XXXV. Upon the Constitution of any District, the Duty of carrying into execution this Act, or such Provisions thereof as may be in force within such District, shall be vested in the Local Board of Health herein-after called the Local Board; and such Local Board shall be constituted as follows; (that is to say,) 25

(1.) In Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council shall be the Local Board: 30

(2.) In Districts within which the Public Health Act, 1848, is in force, the existing Local Board of Health shall be the Local Board, and shall continue to be constituted and elected as heretofore: 35

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, a Majority of whom are elected by the Ratepayers, such Improvement Commissioners shall be the Local Board, and shall continue to be constituted and elected as heretofore: 40

(4.) In

(4.) In other Places the Local Board shall consist of such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for that Purpose, subject to the Provision that such Number shall not be in any Case less than *Nine* or more than *Eighteen;* and that no Person shall be qualified to be a Member of such Local Board unless he is at the Time of this Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within *Seven* Miles thereof, or unless he is seised or possessed of Real or Personal Estate, or both, to the Value of not less than *Five* hundred Pounds, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than *Fifteen* Pounds: Provided, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the Property shall not at the same Time qualify the Owner and the Occupier thereof.

District may be divided into Wards.

XXXVI. The Owners and Ratepayers of any such Places as are lastly herein-before mentioned, assembled at any such Meeting as is referred to in the preceding Section, may, by Resolution passed in manner therein provided, but subject to the Approval of the Committee of Council for Health, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward; and if any Member be elected in more than One Ward, he shall, within *Three* Days Notice thereof, choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards.

Election of Members of Local Boards.

XXXVII. In any District not consisting of a Borough, District to which the Public Health Act, 1848, has been applied, or Town under the Jurisdiction of such Improvement Commissioners as aforesaid, the

the following Rules shall be observed with respect to the Election of the Local Board of such District; that is to say,

(1.) The Summoning Officer shall be the Returning Officer of the First Election of a Local Board, and at all subsequent Elections of such Board the Chairman of the Local Board for the Time being shall be such Returning Officer: 5

(2.) In case of there being no such Returning Officer, or of the Death, Inability, or Refusal to act of any Returning Officer of any such First Meeting as aforesaid, the Committee of Council for Health may, upon the Application of any *Five* Ratepayers of the District, and on due Proof made to them of the Facts, appoint any other Person to conduct such First Election; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election: 10 15

(3.) The First Nomination of Members of the Local Board shall take place on such Day after the Date of the Constitution of the District as the Returning Officer may appoint:

(4.) All Nominations of Members of Local Boards subsequent to the First Nomination shall take place on the Day previous to the Day herein-after appointed for the Retirement of Members of Local Boards, except in the case of casual Vacancies, when the Nomination of Members to fill up such Vacancies shall take place on a Day to be fixed by the Returning Officer, after Notice herein-after provided: 20 25

(5.) On every Occasion of the Nomination of Members of Local Boards, the Returning Officer shall convene a Meeting of the Owners and Ratepayers for the Purpose of such Nomination, and shall give Notice of such Meeting, 30

(*a*) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate:

(*b*) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District: 35

(6.) The Returning Officer shall preside and regulate the Proceedings at such Meeting:

(7.) At any such Meeting as aforesaid any qualified Person may, if he consents thereto, be nominated by any Owner or Ratepayer, and seconded by any other Owner or Ratepayer, as a Member of the Local Board of Health: 40

(8.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in 45

in manner herein-after mentioned; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Fact:

(9.) A Poll for the Election of Members of Local Boards shall be conducted in manner herein-before provided in the Case of a Poll in respect of the Adoption of this Act, and all Provisions herein-before contained in relation to such last-mentioned Poll shall, as nearly as Circumstances permit, be applicable to any Poll taken in pursuance of this Section, with these Qualifications, that the Voting Papers shall specify the Names and Addresses of the Candidates nominated, and shall be in or to the Effect of the Form marked B. in the Schedule hereto, or in such other Form as may be approved by the Committee of Council for Health; that the Returning Officer shall be considered as substituted for the Summoning Officer; that the Voting Papers and all other Documents relating to the taking of the Poll shall be open to Inspection at the Office of the Local Board of Health; and that all Expenses incurred in taking such Poll shall in all Cases be payable out of the General District Rates herein-after mentioned:

(10.) If any Person nominated, or any Person on his Behalf, give Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers:

(11.) The Elective Members of any Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members chosen to fill the vacated Offices shall hold their Offices for the Term of *Three* Years, and no longer; and in every Instance the Offices of retiring

Members shall be supplied by an equal Number of newly elected Members:

(12.) If from any Cause no Nomination is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made: 5

(13.) The Members who would upon the appointed Day have retired shall continue Members until others are appointed in their Stead:

(14.) A Member of a Local Board of Health may resign, on giving to the Board *One Month's* previous Notice in Writing of his Intention so to do: 10

(15.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred: 15

(16.) Any Person on ceasing to be a Member shall be re-eligible.

Proceedings of Local Boards—Boroughs. 20

Proceedings of Local Boards where District is a Borough.

XXXVIII. In any District being a Borough, the following Things shall be done:

(1.) The Council acting as the Local Board shall, unless otherwise authorized or required by Act of Parliament, use the Common Seal of the Borough in all Cases where a Local Board is by this Act authorized or required to use a Common Seal: 25

(2.) The Council acting as the Local Board shall exercise all the Powers, Authorities, and Duties of such Local Board, shall hold Meetings, appoint Committees, and conduct all their Proceedings according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales. 30

District becoming a Borough.

XXXIX. If any District is afterwards incorporated as a Borough, or wholly comprised within the Limits of a Borough, all Powers, Rights, and Obligations hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such District had originally been a Borough by which such Adoption had been made. 35

Local Boards—Districts not being Boroughs. 40

Proceedings of Local Boards

XL. In any District not being a Borough, the following Rules shall be observed with respect to the Local Board of such District:

(1.) The

where District is not a Borough.

(1.) The Body herein-before constituted the Local Board shall for the Purposes of this Act be deemed to be a Body Corporate by the Name of the . . . . . Board of Health, with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase, take upon Lease, sell or exchange, and hold Lands, subject to the Provisions of this Act; and for this Purpose the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, and with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, in so far as the same is consistent with this Act, be incorporated with this Act:

(2.) During any Vacancy in the Local Board the continuing Members, if not less than *Three* in Number, may act as if no Vacancy had occurred:

(3.) The Local Board shall meet together for the Dispatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:

(1.) A Meeting shall be held once at least in every Month; but it shall not be lawful to hold the same at any Inn or other Place where Spirituous Liquors are sold:

(2.) No Business shall be transacted at any Meeting unless at least *Three* Members are present at the Commencement and Close of such Business:

(3.) All Questions shall be decided by a Majority of Votes:

(4.) The Names of the Members present, as well as of those voting respectively for and against each Question, shall be recorded:

(5.) In the Case of Districts not consisting of Districts constituted under the Public Health, 1848, or of Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than *Ten* Days after the Election of the Local Board, and at such Place as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint:

(4.) The Local Board shall in every Year appoint One of their Number to be Chairman for the Year following such Choice, and

and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period; and in case of an Equality of Votes at any Meeting the Chairman for the Time being, or in his Absence the Deputy Chairman, shall have a Second or Casting Vote: 5

(5.) If the Chairman or Deputy Chairman dies, or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; 10 and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened: 15

(6.) If at any Meeting neither the Chairman nor Deputy Chairman is present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

(7.) A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on behalf of the Local Board to do any Acts which the Local Board could lawfully do, and which they may from Time to Time think proper to intrust to them: 20 25

(8.) A Committee at their First Meeting after their Appointment shall appoint One of their Number to be Chairman during their Continuance, and in the event of any Vacancy occurring in the Office of Chairman shall fill up the same by electing some other Member of such Committee: 30

(9.) If at any Meeting of the Committee the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting:

(10.) The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; but no such Committee shall exercise the Powers intrusted to them except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; 35 40 and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote:

(11.) The

(11.) The Local Board shall, except in Cases where such Board is already provided therewith, provide a Common Seal, and in all Cases the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint:

(12.) The Local Board shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting or Committee; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Local Board or Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, and all such last-mentioned Matters shall be presumed until the contrary is proved:

(13.) All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Penalty on summoning Officer or Chairman.

XLI. If any Summoning Officer or Returning Officer wilfully makes default in performing any Duties hereby imposed on him, the Offender shall for each Offence incur a Penalty not exceeding *Fifty Pounds*, but no Default or Neglect in the Distribution or Collection of any Voting Papers, or in the Publication of the Result of any Poll, shall invalidate any Poll taken in pursuance of this Act.

Contracts by Committee or Local Board, how to be entered into.

XLII. The Power which may be granted to any Committee appointed by the Local Board to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under

Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing, signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same: 5 10

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same: 15

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

General Disqualification of Members of Local Boards.

XLIII. In any District if a Member of the Local Board, 20

(1.) Holds any Office or Place of Profit under the Local Board of which he is a Member; or

(2.) Participates in the Profits of any Work done by the Order of the Local Board; or

(3.) Is concerned in or participates in the Profits of any Contract entered into by the Local Board, 25

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon become vacant, subject to the Exceptions following; (that is to say,)

(1.) No Member of a Local Board shall vacate his Office by reason of his being a Shareholder in any Company supplying Water or Gas by Order of the Local Board: 30

(2.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money, to the Local Board, or in any Sale or Lease of Sewage from any Local Board: 35

Nevertheless, no Member of a Local Board shall, except with the Sanction of the Committee of Council for Health who shall have Power to dispense with the ensuing Prohibition, be entitled to vote in respect of any Supply of Water or Gas by any Company in which he is a Shareholder, or in respect of any Question connected therewith, or in respect of any such Sale, Lease, or Loan, as lastly herein-before mentioned, and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding *Twenty Pounds.* 40

XLIV. In

XLIV. In any District not consisting of a Borough or Town under the Jurisdiction of such Improvement Commissioners as aforesaid,

If a Member of the Local Board does any of the following Things:

(1.) Absents himself during *Three* successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or

(2.) Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors,

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant.

Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.

XLV. Any Person who acts as Member of the Local Board, without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding *Fifty Pounds;* and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents.

Penalty on disqualified Member of Local Board acting.

General Powers of Local Boards.

XLVI. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of the Committee of Council for Health, determine.

Union of adjoining Districts.

XLVII. Whenever it appears to the Local Board of any District desirable that both or One of the following Things should be done, that is to say,

(1.) That any Portion of any adjoining Place should be incorporated with the District, or that any Part of such District should be separated therefrom;

(2.) That Provision should be made for the future Execution of any Public Local Acts in force within such District, and having relation to the Purposes of this Act, or that any such Acts or any Provisional Order or Order in Council applying the Public Health Act, 1848, should be repealed or altered,

They may present a Petition to the Committee of Council for Health, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the Committee of Council for Health requires.

Petition for Incorporation of Part of an adjoining Place, or for Repeal of Local Acts.

Power of Committee of Council for Health on Receipt of Petition.

XLVIII. Upon the Receipt of any such Petition the Committee of Council for Health shall take the same into consideration, and they may either dismiss such Petition, or they may, if they think fit, send an Inspector to the proposed District for the Purpose of making Inquiry in respect of the several Matters mentioned in the Petition. 5

Inspector to give Notice of Inquiry.

XLIX. Before commencing such Inquiry, the Inspector shall give such Notice as the Committee of Council for Health directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry. 10

Committee of Council for Health to issue Order and obtain Consent of District.

L. The Committee of Council for Health may, if they think fit, issue a Provisional Order under the Hand of the Lord President of the Council, or of the Vice President of the Committee of Council, in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may 15 be requisite; and when the Order provides for the Incorporation of any Place with the District, or the Separation of any Part from the District, they shall direct an Inspector to proceed to the District, for the Purpose of obtaining the Consent to such Order of the Place to be incorporated, or the Part to be separated, and also, if such Order is not in 20 accordance with the Petition, the Consent of the petitioning District.

Consents how testified.

LI. The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Part or Place by a Resolution passed by a Majority of the Ratepayers resident in any such Part or Place, and assembled 25 at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Part or Place, and to do all such Matters and Things as may be expedient for that Purpose. 30

Provision as to Meetings of Part or Place.

LII. In the Case of a Meeting of the Ratepayers of any Part or Place the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is 35 passed. The Inspector shall have Power to attend any such Meeting.

Committee of Council for Health to obtain Confirmation of Order.

LIII. Whenever such Consents as aforesaid have been given to any such Order as herein-before mentioned, the Committee of Council for Health shall, as soon as conveniently may be, take all necessary Steps for the Confirmation thereof by Act of Parliament; but previously 40 to such Confirmation it shall not be of any Validity whatever.

LIV. Every

LIV. Every Local Board constituted under this Act, or adopting this Act or Part thereof, may exercise all such Powers and Privileges, and shall be subject to all such Obligations, as are exerciseable by or imposed on Local Boards of Health constituted under the Public Health Act, 1848, by any Act other than such last-mentioned Act.

As to Powers given by Statute to former Local Boards.

LV. Every Local Board may, with the Consent of any adjoining Place, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place, and any Sums agreed to be paid by such Place in pursuance of this Section shall be a charge upon and payable out of the Poor Rates of such Place, and shall be raiseable accordingly as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

Power of Local Board to execute Works in adjoining Place.

PART III.

Special Powers of Local Boards of Health.

1. *Officers.*

LVI. The Local Board shall have Power to do the following Things:

Appointment of Officers.

(1.) To appoint a fit and proper Person to be and to be called the Officer of Health:

(2.) To appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer, for the Purposes of this Act, together with such Collectors and other Officers and Servants as may be necessary for the efficient Execution of this Act:

(3.) To make Regulations for ordering the Duties and Conduct of the several Officers and Servants so appointed or employed:

(4.) To pay, out of the General District Rates to be levied under this Act, to such Officer of Health and other Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board think proper:

(5.) To remove, at their Pleasure, the Officer of Health and every other Officer and Servant so appointed:

Subject nevertheless to the following Regulations:

(1.) That the Appointment and Removal of the Officer of Health shall be subject to the Approval of the Committee of Council for Health:

(2.) That the same Person may be Officer of Health for Two or more Districts:

(3.) That the same Person may be both Surveyor and Inspector of Nuisances:

(4.) That neither the Person holding the Office of Treasurer nor his Partner, nor any Person in the Service or Employ of them, or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk: 5

(5.) That neither the Person holding the Office of Clerk nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer: 10

And if any Person hereby prohibited holds or in any Manner assists or officiates in the Office of Clerk or Treasurer he shall incur a Penalty not exceeding *One hundred Pounds.* 15

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

LVII. No Officer or Servant employed by any Local Board shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant is so concerned or interested, or, under colour of his Office or Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall for each Offence incur a Penalty not exceeding *Fifty Pounds.* 20

Incorporation of Sections of Commissioners Clauses Act.

LVIII. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Accountability of Officers, contained in the Sections numbered from 67 to 74, both inclusive, shall be incorporated with and form Part of this Act, and shall apply to Officers appointed by any Local Board. 25

Local Boards to provide Offices.

LIX. The Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business under this Act. 30

Sewerage.

Sewers, &c. vested in Local Board.

LX. All existing and future Sewers within their District, together with all Buildings, Works, Materials, and Things belonging or appertaining thereto, 35

(1.) Except Sewers made by any Person for his own Profit or Use, or by any Company for the Profit of the Shareholders; and

(2.) Except Sewers made and used for the Purpose of draining, irrigating, or otherwise improving Land under any Local or Private Act of Parliament; and 40

(3.) Except

(3.) Except Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,

Shall vest in and be under the Control of the Local Board.

Powers of Local Board as to Sewerage within District.

LXI. The Local Board shall cause their District to be effectually drained; and for the Purpose of such Drainage they shall have Power within such District from Time to Time, to do any of the following Things; that is to say,

(1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing Sewer or Drain:

(2.) To construct any new Sewer or Drain, with a like Power of repairing and altering the same:

(3.) To discontinue, close up, or destroy any Sewer or Drain:

(4.) To carry any Sewer, Drain, or Pipe for the Distribution of Sewage through, across, or under any Turnpike or other Road, or County Bridge, or any Street or Place laid out as or intended for a Street, or any Cellar or Vault which may be under the Pavement or Carriageway of any Street or intended Street, subject to the Condition of making good all Damage done by them; or if it is deemed necessary by the Surveyor of the Local Board into, under, or through any Lands whatever, subject to the Condition of making due Compensation to Owners and Occupiers for any Damage they may sustain thereby:

(5.) To purchase any Sewers within their District, or the Rights vested in any Person for making these Sewers, or to contract for the Use of these Sewers; and any Person having such Sewers or Rights may sell or otherwise contract for the same with the Local Board; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased was subject at the Time of the Sale:

Subject nevertheless, in the Exercise of such Powers, to the Restrictions herein-after mentioned; that is to say,

(1.) All Sewers, Drains, and Pipes shall be so constructed and kept as not to create a Nuisance or be injurious to Health:

(2.) If by the Exercise of any of the above Powers any Person is deprived of the lawful Use of any Sewer or Drain, the Local Board shall provide for his Use some other Sewer or Drain as effectual as that of the Use of which he is so deprived:

(3.) Any Person having a perpetual Right to the Use of any Sewer purchased by a Local Board may use the same or

any Sewer substituted for it as fully as if the Sale had not taken place.

Powers of Local Board both in and out of District.

LXII. Every Local Board shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say, 5

(1.) To construct, either above or under Ground, such Reservoirs and other Works as may be necessary for holding the Sewage flowing from the Sewers of their District, or to provide Outfalls for the same:

(2.) To cause the Sewers of their District to empty into such Reservoirs or Outfalls by means of connecting Sewers or such other Means as they think fit: 10

(3.) To contract with any Company or Person for the Sale or Lease of such Sewage, or for the Distribution of it over any Land; and any Company or Person with whom the Local Board may so contract shall have Power within such Limits, either in or out of the District, as may be approved by the Committee of Council for Health, to carry any Pipe for the Distribution of Sewage through, across, or under any public Street or Turnpike or other Road or County Bridge, subject to the Condition of making good all Damage done by them: 15 20

(4.) To contract for, purchase, or take on Lease any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage, and to lease or assign such Buildings, Engines, Materials, or Apparatus to any Company or Person with whom the said Local Board may so contract as aforesaid: 25

(5.) To purchase or take on Lease any Land where such Purchase or leasing is necessary for carrying into execution the above Objects; but nothing herein contained shall prejudice the Right herein-before given to Local Boards with respect to the Power of making and carrying Sewers, Drains, and Pipes, for the Distribution of Sewage within their District. 30

Penalty for making unauthorized Sewers and building under Streets.

LXIII. No Person shall, without the Consent of the Local Board, do the following Things, or any of them: 35

(1.) Cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board:

(2.) Cause any Vault, Arch, or Cellar to be newly built or constructed under any Public Street:

And any Person offending against this Enactment shall incur a Penalty not exceeding *Five Pounds*, and a further Penalty of *Forty Shillings* 40

Shillings for every Day during which the Offence is continued; and if any Sewer, Drain, Vault, Arch, or Cellar is made in contravention of this Enactment the Local Board may cause the same to be pulled down, or otherwise dealt with as they think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner.

Use of Sewers by Persons beyond the District.

LXIV. Any Owner or Occupier of Premises adjoining any District may, with the Consent of the Local Board, cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Board, upon such Conditions as may be agreed upon between such Owner and Occupier and such Local Board, and in case of Dispute as to the Conditions, such Disputes shall be settled by Arbitration in the Manner provided by this Act.

Local Board may cause their Sewers to communicate with Sewers out of the District.

LXV. The Local Board may cause the Drains or Sewers vested in them to communicate with Sewers out of the District by Agreement with the Persons having the Control of such Sewers.

Regulations as to Drains of existing Houses.

LXVI. Whenever it appears to the Local Board that any House or other Building, built before the Date of the Constitution of the District, is without any Drain, or without a Drain and Outfall sufficient for effectual Drainage, the Local Board may by Notice require the Owner of such House or Building, within a reasonable Time therein specified, to make a sufficient Drain of a Construction approved by the Local Board, emptying as follows; that is to say, if the Sea or a Sewer of the Local Board, or any Sewer which they are entitled to use, is within One hundred Feet of the Site of such House or Building, emptying, as the Local Board may direct, either into the Sea or such Sewer; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the Local Board directs; and if the Person on whom such Notice is served fails to comply with the same, the Local Board may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Regulations as to Drains of new Houses.

LXVII. The following Rules shall be observed with respect to Drains of Houses and Buildings built after the Date of the Constitution of the District:

(1.) The Drains of every such new House or Building as aforesaid shall be covered in, and be of such Size and Materials, at such Level, and with such Fall, as may be effectual, in the

Opinion of the Surveyor of the Local Board, to secure a proper Drainage of such House or Building and its Appurtenances:

(2.) If the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, is within One hundred Feet of any Part of the Site of such new House or Building, the Drains so to be constructed shall communicate with such One of those Means of Drainage as the Local Board directs: 5

(3.) If no such Means of Drainage are within that Distance, then the last-mentioned Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board directs: 10

(4.) Whenever any House or Building built before the Date of the Constitution of the District, is pulled down to or below the Ground Floor, the Drains of such House or Building shall be subject to the Regulations of this Section in the same Manner as if it were a House or Building built after the Date of the Constitution of the District. 15

Penalty on Noncompliance with the foregoing Rules.

LXVIII. If any House or Building is built or rebuilt, or any Drain constructed, contrary to the foregoing Enactment, the Owner of the House or Building so built or rebuilt or to which such Drain belongs shall be subject to the following Liabilities; that is to say, 20

(1.) He shall incur a Penalty for each Offence not exceeding *Fifty Pounds:* 25

(2.) The Local Board may by Notice require such Owner, within a reasonable Time therein specified, to bring such House, Building, or Drain into conformity with the above Regulations, and if he fails to comply with such Notice may themselves do the Work required and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly. 30

Map exhibiting System of Sewerage.

LXIX. The Local Board shall, unless already provided therewith, procure or cause to be made a Map, upon such Scale as may for the Time being be directed by any General Order of the Committee of Council for Health, exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act; and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District. 35 40

Cleansing

Cleansing.

LXX. In every District the following Works shall be done with respect to Scavenging, Rules with respect to Scavenging.

(1.) All Streets, together with the Foot Pavements thereof, shall be properly cleansed and watered; all Roads shall be properly cleansed, and the whole or any Part of such Roads may in the Discretion of the Local Board be watered:

(2.) All Dust, Ashes, and Rubbish shall be carried away from the Premises of the Inhabitants:

(3.) All Privies, Cesspools, and Ashpits shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them; and in any Contract made by them the Local Board may require that all Animal and Vegetable Refuse and decomposing Matter be at once separated from the Ashes deposited in the Scavenger Yards or Dust Yards, and removed from the Premises of the Contractor.

LXXI. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them, throughout the District, or any Part thereof, all Contents of Privies and Cesspools, Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to such District Fund as is herein-after mentioned. Powers of Local Board in respect of Scavenging.

LXXII. In such event as last aforesaid, if any Person, not being the Occupier of any House within the District, removes, or obstructs the Local Board, or any Person authorized by them, in removing, any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offence incur a Penalty not exceeding *Five Pounds:* and if any Person, being the Occupier of any House within the District, removes, or obstructs the Local Board or any Person authorized by them in removing, any such Substances as aforesaid, (except, in Cases where such Substances are produced on his own Premises, Notice in Writing has been given by him to the Local Board of his Intention to remove the same for his own Benefit, and the same shall be so removed at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance Penalty on unauthorized Scavenging.

to his Neighbours,) he shall for each Offence incur a Penalty not exceeding *Five Pounds.*

Power of Local Board to make Byelaws.

LXXIII. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say: 5

(1.) To cleanse the Footways and Pavements adjoining any Premises:

(2.) To remove the Snow from such Footways and Pavements:

(3.) To carry away the Dust, Ashes, and Rubbish from any Premises: 10

(4.) To empty the Privies, Cesspools, and Ashpits belonging to or used in connexion with any Premises:

They may make Byelaws imposing on the Occupier of any such Premises all or any of the Duties of cleansing any such Footways and Pavements, removing such Snow, of carrying away such Dust, Ashes, 15 and Rubbish, and of emptying any such Privies, Cesspools, and Ashpits as are mentioned in this Section, at such Times and in such Manner as they may approve of, and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board 20 as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local Board themselves undertake or contract with some other Person to undertake a Portion of 25 such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

LXXIV. The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals, and may annex reasonable Penalties for the Breach of such Byelaws. 30

Public Necessaries.

LXXV. The Local Board may, if they think fit, provide and maintain in proper and convenient Situations Receptacles for Ashes, Waterclosets, Privies, Urinals, and other similar Conveniences for public Accommodation.

Local Board may order Waterclosets, &c. to be erected in Houses, whether built before or after the Constitution of the District.

LXXVI. If at any Time it appears to the Local Board that any House 35 is not provided with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, or in a decent and wholesome Situation, the Local Board may by Notice require the Owner or Occupier of such House, within a reasonable Time, to be specified in such Notice, to provide a sufficient Watercloset or Privy and an Ashpit, so 40 furnished as aforesaid, or either of them, as the Case may require, or to alter

alter the Situation of any Watercloset, Privy, or Ashpit which may be indecently or unwholesomely situated; and if he fails to comply with such Notice, he shall incur a Penalty not exceeding *Forty Shillings* for every Day during which such Failure continues, and the Local Board may themselves do the Works required; and the Expenses incurred by them in so doing shall be recoverable from the Owner in a summary Manner, or may, by Order of the said Local Board, be declared to be private Expenses, and be recovered accordingly; but in Cases where a Watercloset or Privy and Ashpit has been and is used in common by the Inmates of Two or more Houses, and where, in the Opinion of the said Local Board, a Watercloset or Privy and Ashpit may conveniently be so used, they shall not require the same to be provided for each House.

Certain Waterclosets to be constructed in Factories, &c.

LXXVII. If at any Time it appears to the Local Board that any Place is used or intended to be used as a Factory or Building in which Persons are employed or intended to be employed in any Manufacture, Trade, or Business, the Local Board may, by Notice in Writing addressed to the Owner or Occupier of such Place, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the Use of such Persons, and if such Persons are of both Sexes and above Twenty in Number then they may by such Notice require the Construction of separate Waterclosets or Privies for the Persons of each Sex; and any Person neglecting or refusing to comply with any such Notice shall incur for each Default a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued.

Restriction on Establishment of offensive Trades.

LXXVIII. After the Date of the Constitution of any District, the Business of a Blood-boiler, Bone-boiler or Bone-burner, Fellmonger, Slaughterer of Animals of any Description, not intended for Human Food, Soap-boiler, Tallow-melter, Tripe-boiler, Manufacturer of Chemical Products causing noxious or offensive Effluvia, or other noxious or offensive Business, Trade, or Manufacture, shall not, without the Consent of the Local Board, be established within the District; and whosoever offends against this Enactment shall incur for each Offence a Penalty not exceeding *Fifty Pounds*, and a further Penalty not exceeding *Forty Shillings* for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses established in their District as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof, and may annex reasonable Penalties for the Breach of any such Byelaws.

Beds of running Streams to be kept clear.

LXXIX. When the Contents of any Sewer, or any other Flow of Filth or Refuse, are or is discharged into any River or Stream in the Bed of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off by any natural or artificial Cause, as to be insufficient to keep such Channel clean, it shall be lawful for the Local Board to make Alterations in the Bed of such River or Stream by cutting in such Bed a Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed or from accumulating and stagnating in Parts thereof, to the Injury of Health and the Annoyance of the surrounding Population, subject nevertheless to this Restriction, that the Local Board shall not be entitled to diminish in any respect the Quantity of Water flowing in such River or Stream, or to injuriously affect the Rights of any Company or Individuals interested in such River or Stream, or entitled to the Use of the Water therein.

New Streets and Houses.

Power to make Byelaws with respect to new Houses.

LXXX. Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level and Width of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings in reference to Stability and the Prevention of Fires:

(3.) With respect to the Sufficiency of the Space in connexion with Buildings, to secure a free Circulation of Air, and the Ventilation of Buildings:

(4.) With reference to the Drainage of Buildings, to Waterclosets, Privies, Ashpits, and Cesspools, in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and Prohibition of their Use for that Habitation:

They may annex continuing Penalties, not exceeding *Forty Shillings* a Day, during the Continuance of any Breach of such Byelaws; and they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws, and as to the Recovery by the Local Board in a summary

Manner

Manner of any Expenses incurred by them in enforcing such Byelaws, subject to the following Qualifications: Firstly, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District, unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose; and secondly, that no Person shall be deprived by any Byelaw of such Right of Appeal as is herein-after given in respect of Byelaws.

For the Purposes of this Act, the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, shall be considered the Erection of a new Building.

Streets.

Provisions as to Public Streets.

LXXXI. The following Provisions shall be enacted with respect to Public Streets; (that is to say,)

(1.) The Management of all such Streets, together with all Buildings, Materials, Implements, and other Things provided for the Purposes thereof, shall vest in and belong to the Local Board:

(2.) The Local Board shall make good and maintain in proper Repair all such Streets; they may pave and flag such Streets or any Part thereof; and they may also pave or make good, with such Materials as they think fit, any Footways for the Use of Passengers in any such Streets, and cause such Footways to be repaired from Time to Time:

(3.) The Local Board may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they think fit:

(4.) The Local Board may by Agreement purchase any Premises for the Purpose of making new Streets or of widening or otherwise improving Streets, and any Part of the Premises so purchased which shall not be wanted for the Purpose for which they were purchased may be resold, and the Money arising from the Resale shall be carried to the District Fund herein-after mentioned:

(5.) The Local Board shall from Time to Time place such Fences and Posts on the Side of the Footways of such Streets as may be needed for the Protection of the Passengers on such Footways, and they may place Posts in the Carriageways of such Streets so as to make the crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or remove the same, or any Obstruction to any such Carriageway or Footway, as they think fit:

(6.) Nothing herein contained shall deprive any Company or Person of any Right they have possessed previously to the passing of this Act in respect of the laying down, repairing, or altering Pipes under Streets for the Distribution of Water or Gas. 5

Provisions as to Streets not being Highways.

LXXXII. The following Provisions shall be enacted with respect to Streets, whether formed before or after the Date of the Constitution of the District, that are not Highways repairable at the Public Expense; that is to say,

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the said Owners, according to the Frontage of their respective Premises, or in such Proportion as may be settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be private Expenses, and be recoverable accordingly: 10 15 20 25 30

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on both Sides or either Side of any such Street or Part of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified 35 40

specified in such Notice; and if such Notice is not complied with the said Local Board may if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up on any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the public Expense:

(3.) In Cases where any such Street as aforesaid is bounded on One Side thereof or of any Part thereof by Premises fronting, adjoining, or abutting upon such Street, and not within the District in which such Street may be situated, and such Street, or the Carriage or Foot Way thereof, shall not be sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board within whose District such Premises are situate, the said Local Board may from Time to Time agree with the Local Board, or other Local Authority within whose Jurisdiction such Street may be situate, for the sewering, levelling, paving, flagging, channelling, or making good of such Street, and may pay the Expense of such Works out of any Funds in their Hands, and may recover such Expenses from the Owners of such Premises in default, according to the Frontage of their respective Premises, or in such other Proportions as may be settled by the Surveyor of the last-mentioned Local Board, or in case of Dispute by Arbitration under this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by the Order of the last-mentioned Local Board to be private Improvement Expenses, and be recoverable accordingly; and from and after the executing such Works such Street shall be a Public Street of the District within which it is situate:

(4.) The Local Board may, from Time to Time, by Notice in Writing, put up in any Part of any such Street as aforesaid, and to be entered amongst the Proceedings of the said Local Board, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Part of such Street, Carriageway, or Footpath, to be a Public Street, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Public Street, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Part of Street, Carriageway or Footpath, become a Public

Street, if within *One Month* after such Notice has been put up the Proprietor of such Street or Part of Street, Carriageway or Footpath, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the said Local Board objects thereto: 5

(5.) No Rector, Vicar, Curate, Incumbent, Minister, or Preacher of any Church, District Church, Chapel, or other Place which is or may be exclusively appropriated to public Religious Worship, and which, being neither a Church, District Church, nor Episcopal Chapel of the Established Church, 10 is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other 15 Place, or in respect of any Churchyard or Burial Ground attached thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground or to subject the same to Dis- 20 tress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied 25 in pursuance of this Act:

(6.) Any such Church, Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable 30 Education of the Poor.

Penalty on displacing Stones, &c.

LXXXIII. If any Person wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any public Street, without the Consent of the Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, and a 35 further Penalty not exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured: Provided, that any Corporation, Company, Body of Undertakers or Individuals may, without incurring any such Penalty, displace, take up, or injure the Pavement, Stones, Materials, Fences, or 40 Posts of any Street, without the Consent of the Local Board in the Cases, and subject to the Conditions in, and subject to which they are authorized so to do by any Act of Parliament.

Roads

Roads.

LXXXIV. The following Provisions shall be enacted with respect to Roads: Provisions as to Roads.

(1.) The Local Board, and none other, shall be the Surveyors of Highways within the Limits of the District, and within those Limits shall have all such Powers and Authorities and be subject to all such Liabilities as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force, with this Exception, that the Local Board shall not have Power to levy any Highway Rate within the District, and that, save as herein-after mentioned, the Accounts of the Local Board, in respect of such Streets and Roads as aforesaid, shall be dealt with in the same Manner as the other Accounts of the Local Board, and not in manner directed by any Act relating to Highways:

(2.) The Inhabitants of any District shall not, in respect of any Property situate therein, be liable to the Payment of any Highway Rate or other Payment not being a Toll in respect of making or repairing any Roads situate beyond the Limits of the District:

(3.) The several Persons who at the Date of the Constitution of the District are Surveyors of Highways within the District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction, and the Surplus (if any) shall be paid by them to the Treasurer of the Local Board, and carried to the District Fund herein-after mentioned:

(4.) The Act of the Thirteenth Year of the Reign of Her present Majesty, Chapter Thirty-five, intituled "An Act for "requiring Annual Returns of the Expenditure on High-"ways in England and Wales to be transmitted to the Se-"cretary of State and afterwards laid before Parliament," shall apply to the Clerk of the Local Board of Health in like Manner as to the Clerk to any such Trustees or Commissioners as are in the said Act mentioned.

LXXXV. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the following Duties or any of them; that is to say, the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within the said District, or any Part of such Power of Local Board with respect to Turnpike Roads.

such Portion, on such Terms as the Local Board and the Trustees may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper published in the County within which the District is situate for *Two* successive Weeks after such Agreement has been made, and shall be affixed to the principal Doors of every Church and Chapel within the District to which Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Court of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons to all Intents and Purposes.

Local Board may determine whether a Place is a Street or Road.

LXXXVI. If any Question arises as to whether any Place is a public Street or a Road as respects the Powers herein-before given for cleansing the same, the Local Board may determine such Question, and their Determination shall be final.

Incorporation of Towns Police Clauses Act, 1847.

Incorporation of Provisions of Towns Police Clauses Act, 1847.

LXXXVII. The Provisions of "Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,
(2.) With respect to Fires,
(3.) With respect to Places of Public Resort,
(4.) With respect to Hackney Carriages, and
(5.) With respect to Public Bathing,

shall be incorporated with this Act, subject to the following Qualification; that is to say,

All Penalties imposed by the said "Towns Police Clauses Act, 1847," shall be recoverable in the same Manner and be applied to the same Purposes in and to which Penalties imposed by this Act are recoverable and applicable.

In the Construction of the said Acts the Expression "Constable or other Officer appointed by virtue of this or the Special Act" shall mean the Constable or other like Officer having Jurisdiction within the District.

Incorporation of Towns Improvement Clauses Act, 1847.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

LXXXVIII. The Provisions of "The Towns Improvement Clauses Act 1847," with respect to the following Matters, that is to say,

(1.) With respect to naming the Streets and numbering the Houses;

2. With

(2.) With respect to improving the Line of the Streets and removing Obstructions;
(3.) With respect to ruinous or dangerous Buildings;
(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;
(5.) With respect to the Prevention of Smoke;
(6.) With respect to Clocks,

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, annealing, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings; but nothing contained in this Section shall preclude any Business, Trade, or Manufacture from being deemed noxious or offensive within the Meaning of this Act which might otherwise have been so deemed.

Rule as to Incorporation of Provisions in preceding Section.

LXXXIX. The Provisions with respect to any One or more of the Matters mentioned in the Two last preceding Sections may, notwithstanding the Rules herein-before given for the Adoption of this Act, be separately excluded from such Adoption, as if each such Provisions were arranged under a separate Heading, and any Provision so excluded may, in the Resolution excluding the same, be described as the Provision with respect to such Matter contained in "The Towns Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," or in any other Manner sufficient to identify the same.

Markets and Fairs.

Power of Local Board to establish Markets and Fairs.

XC. The Local Board shall have the Power to do the following Things or any of them within their District:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets and Fairs:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market or Fair:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market or Fair:

To purchase or take on Lease Land for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Fair shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent.

Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

XCI. For the Purpose of enabling any Local Board to establish Markets or Fairs in manner aforesaid there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the following Things: 5

With respect to the holding of the Market or Fair, and the Protection thereof; and 10

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws;

Subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State. 15

Supply of Water.

Provisions with respect to Supply of Water.

XCII. The following Provisions shall be observed with respect to the Supply of Water to any District:

(1.) All public Wells, Pumps, Conduits, or other Works used for the gratuitous Supply of Water to the Inhabitants of the District shall vest in and be under the Control of the Local Board: 20

(2.) The Local Board shall continue, maintain, and supply with Water all such Works as aforesaid, or substitute other Works equally convenient, and supply the same with Water: 25

(3.) The Local Board may, for the gratuitous Use of the Inhabitants of the District, construct any Number of new Wells or Pumps, or purchase by Agreement the Surrender of any Lease of existing Wells, Pumps, or Works for supplying Water the Reversion of which is now vested in the Corporation of a Borough, or in any Local Board or Commissioners for public Purposes: 30

(4.) The Local Board may cause a Supply of Water to be furnished to any public Baths or Wash-houses: 35

(5.) The Local Board shall cause Water to be provided in sufficient Quantities for flushing the Sewers and Drains, for putting out Fires, for cleansing and watering the Streets, and for other public Purposes: 40

(6.) The Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the

the Purposes of this Act, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the Committee of Council for Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes, for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the Committee of Council for Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

XCIII. If it appears to the Local Board that any House is without a proper Supply of Water, and that such Supply can be provided by any Company or Person as aforesaid, at an Expense not exceeding *Threepence* a Week, the Local Board may serve a Notice on the Owner of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if the Owner fail to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing may be recovered in a summary Manner from the Owner, or may be deemed to be private Expenses, and recoverable accordingly; and the Occupier shall pay for the Water a Sum not exceeding the Rate of *Threepence* a Week, and that Sum shall be recoverable from the Occupier, or on his Default from the Owner, in a summary Manner.

Offences with respect to Water.

XCIV. The Offences herein-after mentioned shall be punished in manner following; that is to say,

First,—As to injuring Waterworks:

(1.) If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Waste Pipe, or Waterworks belonging to or by means of which Water is supplied to or on account of any Local Board; or,

(2.) Unlawfully flushes, draws off, diverts, or takes Water from any Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or from any Waters or Streams by which such Waterworks are supplied; or,

(3.) Wilfully or negligently wastes or causes to be wasted any Water with which he is supplied by or on account of the said Local Board,

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day during which the Offence is committed after written Notice in that Behalf has been given to him:

Second,—As to fouling Water:

(1.) If any Person washes, cleanses, throws, or causes to enter in any Stream, Reservoir, Conduit, or other Waterworks belonging to or by which Water is supplied to or on account of any Local Board, any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or causes or permits or suffers to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water; or,

(2.) Does anything whatsoever whereby any Water belonging to or supplied to or on account of any Local Board may be fouled,

he

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum of *Twenty Shillings* for each Day during which the Offence is continued after written Notice in that Behalf has been given to him:

5 Third,—As to fouling Water with Gas:

If any Person, being Proprietor of any Gasworks, or engaged in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or by which Water 10 is supplied to or on account of any Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or wilfully does any Act connected with the Manufacture or Supply of Gas whereby the Water in any 15 such Stream, Reservoir, Aqueduct, or Waterworks is fouled,

he shall for every such Offence incur a Penalty not exceeding *Two hundred Pounds*, and after Notice in Writing has been given to him by the Local Board, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Con- 20 tinuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or by which Water is supplied to or on account of any Local Board is fouled in any Manner by the Gas of any such Proprietor or Person as last afore- 25 said, he shall for every such Offence incur a Penalty not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after Notice has been given to him by the Local Board; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or 30 Person the Local Board may, upon giving *Twenty-four* Hours Notice of their Intention, lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; and if upon such Examination it appears that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works 35 examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been fouled, then such Expenses, 40 and all Damages occasioned by the Examination, shall be paid by the Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided; but nothing contained in this Section shall prejudice the levying of any Penalties that may be leviable under any other Act

of Parliament in respect of the same Matters and Things herein-before mentioned, so that such Penalties are not levied cumulatively.

Lighting.

Regulations as to lighting.

XCV. The following Regulations shall be observed with respect to lighting any District: 5

(1.) The Local Board may cause all Streets and public Buildings under their Control and within their District to be lighted with Gas or otherwise, and may provide such Lamps, Lampposts, and other Apparatus as may be necessary for that Purpose:

(2.) The Local Board may contract for a Supply of Gas or otherwise for the Purpose of lighting, with any Company or Person within the District, for any Period not exceeding *Three* Years at any One Time, upon such Terms and Conditions as may be agreed upon between the Local Board and such Company or Person. 10 15

Slaughter-houses.

Rules as to Slaughter houses.

XCVI. The following Rules shall be observed with respect to Slaughter-houses:

(1.) No Place shall be used or occupied as a Slaughter-house within the District which was not in such Use and Occupation at the Date of the Constitution of the District, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, has been obtained from the Local Board; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the District not used as such at the Date of the Constitution of the District, and so continued to be used ever since, shall for each Offence incur a Penalty not exceeding *Five Pounds*, and a like Penalty for every Day after the Conviction for such Offence upon which the said Offence is continued: 20 25 30

(2.) Every Place within the District which has previously to the Date of the Constitution thereof been used as a Slaughter-house shall, within *Three* Months after such last-mentioned Date, or (in the Case of a Place first used as a Slaughter-house after the Date of the Constitution of the District) previously to the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in a Book to be kept by them for that Purpose; and every Person who uses or suffers to be used any such Place as a Slaughter-house without its being registered, in compliance with this Section, shall incur a Penalty not exceeding *Five Pounds* 35 40

Pounds for such Offence, and a Penalty not exceeding *Ten Shillings* for every Day after the First Day during which such Place is used as a Slaughter-house without having been so registered:

5 (3.) The Local Board may from Time to Time erect a Slaughter-house on any Land belonging to them, or set apart and improve any Buildings belonging to them for a Slaughter-house:

(4.) As soon as such Buildings are fit for public Use, the Local Board shall give public Notice thereof—

10 (a.) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate; and

(b.) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to 15 which Notices are usually affixed within the District:

(5.) After the Expiration of *Ten* Days from the Publication and posting of such Notice as aforesaid, no Person shall slaughter any Cattle or dress any Carcase for Sale as Human Food in any Place within the District, other than—

20 (a.) A Slaughter-house which was in use as such before and at the Time of the Constitution of the District, and has so continued ever since; or,

(b.) Slaughter-houses provided or authorized by the Local Board:

25 And every Person who after such Notice as aforesaid slaughters any Cattle or dresses for Sale any Carcase within the District in any Place not authorized by this Act shall incur for every Offence a Penalty not exceeding *Two Pounds*:

30 (6.) The Local Board may make Byelaws—

With respect to the Management of and Charges for the Use of any Slaughter-house so provided by them, and with respect to the Inspection and Regulation of all Slaughter-houses whatever within their District, and for 35 keeping the same in a wholesome State.

(7.) The Local Board may purchase or take on Lease any Land necessary for carrying into effect the Objects of this Section.

(8.) Nothing herein contained shall prejudice or affect the Rights, 40 Privileges, or Powers vested in any Person or Persons whomsoever under or by virtue of any Local Act of Parliament, passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, or 45 other Place.

Pleasure Grounds.

Local Board may provide Places of Public Recreation, &c.

XCVII. The Local Board may hold, purchase by Agreement, take on Lease, maintain, lay out, plant and improve, Land for the Purpose of being used as Public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever. 5

Baths and Wash-houses.

Local Board may adopt Baths and Wash-houses Act.

XCVIII. The Local Board may determine that the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the Establish- 10 "ment of Public Baths and Wash-houses," shall be adopted in such District; and upon such Adoption being made, the Provisions of such Act, and of any Act for the Amendment of the same, shall come into operation within the District, and the Local Board shall possess the like Powers and Privileges, and be subject to the like 15 Obligations, so far as the same respectively are applicable, as are by any Act mentioned in this Section conferred or imposed on the Council of any Borough; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by this Section shall be defrayed out of the General District Rates, and all 20 Receipts by them by reason of the Exercise of such Powers shall be applied in aid of the said Rates.

PART IV.

General Provisions.

Cellars. 25

Cellars, &c. not to be let as Dwelling Rooms, except, &c.

XCIX. No Cellar or underground Room in any District shall be let or occupied separately as a Dwelling, unless it possess the following Requisites; that is to say,

(1.) Unless the same is at least *Seven* Feet in Height measured from the Floor to the Ceiling thereof; nor, 30

(2.) Unless there is outside of and adjoining such Cellar or Room, and extending along the entire Frontage thereof and upwards from *Six* Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at least *Three* Feet wide in every Part; nor, 35

(3.) Unless the same is well and effectually drained and secured against the Rise of Effluvia from any Sewer or Drain; nor,

(4.) Unless there is appurtenant to such Cellar or Room the Use of a Watercloset or Privy, as the Local Board may require, and of an Ashpit furnished with proper Doors and 40 Coverings; nor,

(5.) Unless the same has a Fireplace with a proper Chimney or Flue; nor,

(6.) Unless

(6.) Unless the same has an external Window of at least *Nine* Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as is approved by the Surveyor of the Local Board:

5 And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any Cellar or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* for every Day during which the same continues to be so let or occupied after Notice in Writing from the 10 Local Board in this Behalf; and every Cellar or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; but the above Rule as respects Areas shall be qualified as follows:

In any Area adjoining a Cellar or underground Room there may 15 be placed Steps necessary for Access to such Cellar or Room, if the same are so placed as not to be over or across the said external Window:

Over or across any such Area there may be Steps necessary for Access to any Building above the Cellar or Room to which such 20 Area adjoins, if the same be so placed as not to be over or across any such external Window.

Time of Provisions coming into operation.

C. The foregoing Provision with respect to the Letting and Occupation of Cellars and underground Rooms shall not, so far as the same relates to Cellars and underground Rooms which have 25 been previously let or occupied as Dwellings, come into force within any District until the Expiration of *Six* Months from the Time of the Constitution of such District; and every Local Board shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the Letting and Occupation 30 of Cellars and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Expenses and Rates.

District Fund.

CI. The Monies carried to the District Fund under the Directions 35 of this Act shall be applied by the Local Board in defraying such of the Expenses incurred by the Local Board in carrying this Act into execution as they think proper.

Compensation in case of Damage by Local Board.

CII. Full Compensation shall be made, out of the General District Rates to be levied under this Act, to all Persons sustaining 40 any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Com-

pensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Application of Penalties.

CIII. All Penalties recovered under this Act or any Act incorporated herewith shall, notwithstanding the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," be paid to the Treasurer of the Local Board, and be by him carried to the District Fund herein-before mentioned. 5 10

Rules as to Private Expenses.

CIV. The following Rules shall be observed with respect to the Recovery of the Expenses herein-before declared to be Private Expenses:

(1.) Private Expenses shall carry Interest at the Rate of *Five Pounds* per Centum per Annum from the Time at which the same are incurred: 15

(2.) Private Expenses may, by Order of the Local Board, be declared to be a Charge on the Premises in respect of which they have been incurred, and such Charge shall, in the Case of Premises in the Occupation of any Person, be payable by the Occupier, but in the Case of unoccupied Premises be payable by the Owner: 20

(3.) The Local Board may appoint the Times at which the Principal and Interest due in respect of Private Expenses are respectively to be paid, with this Limitation, that the whole Amount of such Principal and Interest shall be paid off within the Period of *Thirty* Years from the Time at which such Expenses were incurred: 25

(4.) If Default is made by any Occupier in Payment of any Principal or Interest due from him in respect of Private Expenses, the Monies so due may be levied by Distress and Sale of the Goods and Chattels of such Occupier; and if Default is made by any Owner in Payment of any Principal or Interest due from him in respect of Private Expenses, the same may be recovered from him in a summary Manner. 30 35

Deductions in respect of Private Expenses.

CV. The following Deductions shall be allowed to Occupiers in respect of Payments made on account of Private Expenses:

(1.) Every Occupier holding at a Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord *Three Fourths* of the Amount paid by such Occupier in respect of Private Expenses: 40

(2.) Every

(2.) Every Occupier holding at a Rent less than Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord such Proportion of *Three Fourths* of the Rent as his Rent bears to the Rackrent.

Redemption of Charge for Private Expenses.

5 CVI. At any Time before the Expiration of the Period for which any Charge for Private Expenses is made, the Owner or Occupier of the Premises charged therewith may redeem the same, by paying to the Local Board the Expenses incurred by them on account of the Improvement, or such Part thereof as may not have been 10 defrayed by Sums already paid in respect of the same.

Charge for Supply of Water.

CVII. Whenever any Premises are supplied with Water by a Local Board of Health for domestic, trading, or manufacturing Purposes, the Local Board may make for such Supply such Charge as may be agreed upon between the Local Board and the Persons receiving the 15 Supply.

Water Rate payable in advance.

Power to stop Water in case of Nonpayment of Rates.

CVIII. The said Charge for Water shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Charge due from him, upon Demand, the Local Board of Health may prevent the Water from flowing 20 into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided, that the stopping or cutting off 25 any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

General Expenses to be defrayed out of General District Rate.

CIX. All Expenses incurred by any Local Board which are not herein-before specially provided for or ordered by the Local Board 30 to be defrayed out of the District Fund shall be defrayed by a Rate, to be called the General District Rate, and to be levied from Time Time by the Local Board as Occasion requires.

Regulations as to General District Rate.

CX. The following Regulations shall be observed with respect to General District Rates; that is to say,

35 First,—As to the Incidence of the Rate:

(1.) Subject to the Exceptions herein-after mentioned, the General District Rate shall be a Tax upon the Occupiers of all such Property situate within the District as is assessable to any Rate for the Relief of the Poor, in proportion to the 40 net annual Value of such Property:

(2.) No Property which if it were situate within the Boundaries of a Parish would be assessable to the Relief of the Poor shall be exempt from any District Rate by reason of its being extra-parochial, but such Property shall be subject to such Rate in the same Manner as it would be subject if situate within the Boundaries of some Parish in the District: 5

(3.) The net annual Value of any Property shall be ascertained by the last preceding Assessment for the Relief of the Poor:

(4.) For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Books refuses to permit any such Inspection or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding *Five Pounds:* 10 15

(5.) If there is no such Assessment as aforesaid for the Relief of the Poor by Reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfair Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by Reference to the said Valuation and Assessment: 20 25 30

(6.) Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description: 35

(7.) The above Rules shall be subject to the following Exceptions; that is to say,

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases— 40

Where the rateable Value of any Premises liable to Assessment under this Act is less than the Sum of *Ten Pounds;* or

Where

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments:

Subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than *Two Thirds* nor more than *Four Fifths* of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on *One Half* of the Amount at which such Tenements would be liable to be rated if the same were occupied, and the Rate were levied on the Occupiers:

The Owner of any Tithes, or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for Public Conveyance, shall be assessed in respect of the same in the Proportion of *One Fourth* Part only of such net annual Value thereof:

(8.) A General District Rate may be raised retrospectively for the Purpose of paying any Charges or Expenses or defraying any Liability which may have been incurred at any Time within *Twelve* Months before the making of the Rate, or for the Purpose of repaying Monies advanced on Mortgage of such Rate under the Powers of this Act; and when any Rate is appealed against, the Time during which the Appeal remains undecided shall be excluded in calculating such Period of *Twelve* Months as lastly herein-before mentioned:

(9.) Premises unoccupied at the Time of making the Rate shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the Premises while they remain unoccupied:

(10.) If the Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same is fully paid, the Name of the in-coming Tenant shall be inserted in the Rate, and thereupon a Part of the Rate, in proportion to the Period of the Rate unexpired at the Commencement of the Tenancy, shall be levied in the same Manner as if the Premises had been occupied when the Rate was made:

(11.) If any Owner or Occupier liable to Rate cease to own or occupy the Premises in respect of which he is liable before the End of the Period for which the Rate was made, and before the same is fully paid off, he shall be liable to pay Part only of the Rate proportioned to the Time of his Ownership or Occupation, and any subsequent Owner or Occupier during Part of the Period of the Rate shall pay a Part of the Rate proportioned to the Time of his Ownership or Occupation, and that Part may be recovered as if he had been originally assessed. 5 10

Secondly,—As to Estimate and Notice of Rate:

(12.) The Local Board of Health, before proceeding to make any General District Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to Public Inspection during Office Hours thereat: 15 20

(13.) Public Notice of their Intention to make any General District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board at least *Seven* Days before the Day on which the Rate is intended to be made; but in case of Proceedings to levy or recover any Rate, such Notice shall be presumed to have been given, unless the contrary is proved. 25 30

Thirdly,—As to Inspection and Amendment of Rate:

(14.) Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds:* 35

(15.) The Local Board may from Time to Time amend any Rate made in pursuance of this Act in manner following: 40

By inserting therein the Name of any Person claiming and entitled to have his Name inserted;

By inserting the Name of any Person who ought to have been assessed, and the Property omitted from rating or Assessment, with its rateable Value; 45

By

By striking out the Name of any Person who ought not to have been assessed;

By raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated;

By making any other Alteration which will make the Rate conformable to the Provisions of this Act:

And no Amendment so made shall be held to avoid the Rate:

(16.) Any Person who feels himself aggrieved by any such Amendment as aforesaid shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made; and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until *Seven* Days after such Notice has been given to him.

Fourthly,—As to Publication and Collection of Rate:

(17.) All Rates made under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and either in One Sum or by Instalments, and shall be collected and recovered in such Manner and by such Persons, and separately or with any other Rate or Tax, by One Process or Summons as if only One Rate, as the Local Board from Time to Time appoints.

Fifthly,—As to the Remedies for Rate:

(18.) If any Person assessed to any such Rate fails to pay the same when due, and for the Space of *Fourteen* Days after the same has been demanded, any Justice may summon the Defaulter to appear before him or any other Justice at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fails to appear according to the Exigency of the Summons, or no sufficient Cause for Nonpayment is shown, the Justice may, by Warrant under his Hand and Seal, cause the same, and all Costs of the Proceedings, to be levied by Distress of the Goods and Chattels of the Defaulter:

(19.) In any Proceedings for the Recovery of such Rate, or of any Money payable by virtue of this Act, any Number of Persons may be included in the same Information, Summons, or other legal Proceeding:

(20.) If no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such

Warrant is granted, and it so appears upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County: 5

(21.) If any Person quits or is about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuses to pay the same, after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fails to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter: 10 15 20

(22.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

Sixthly,—As to Appeal against Rate:

(23.) Any Person may appeal against a Rate upon the Terms and in the Manner in and upon which a Person may appeal against a Rate for the Relief of the Poor. 25

Seventhly,—As to Evidence of Rate:

The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as primâ facie Evidence of the making and Validity of the Rates mentioned therein. 30

District may be divided.

CXI. The Local Board may from Time to Time divide their District into Parts, for all or any of the Purposes of this Act, and make a separate Assessment and levy a separate Rate upon any Part of such District for all or any of such last-mentioned Purposes, taking care, nevertheless, in Cases where Expenses are incurred in respect of Two or more Parts of a District in common, to apportion such Expenses between such Parts in an equitable Manner. 35

Recovery of separate Rate.

CXII. Any Rate made in pursuance of the last preceding Section shall be recovered in the same Manner and be subject to the same Regulations as a General District Rate, or as near thereto as Circumstances admit. 40

CXIII. When-

CXIII. Whenever any new Sewer is constructed, if it is proved to the Local Board that any Premises were sufficiently drained before the same is made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

Local Board may allow Owners Time for Repayment of Expenses.

CXIV. In any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such Instalments, not being less than *One Thirtieth* Part of the entire Sum, together with Interest at the Rate of *Five Pounds* in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment is allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable from the Person being then Owner, in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

Mortgage of Rates.

Mortgage of Rates.

CXV. The Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) The borrowing such Money shall be sanctioned by an Order of the Committee of Council for Health:

(2.) The Money so borrowed shall not at any Time exceed in the whole the assessable Value for *One Year* of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) Such borrowing as aforesaid may be for such Time, not exceeding *Fifty* Years, as the Local Board, with the Sanction of the Committee of Council for Health, determine in each Case;

 and,

and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine: 5

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of the Charges herein-before authorized to be created for the Liquidation of Private Expenses, or out of a Rate levied in such Part of the District as aforesaid. 10 15

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CXVI. The Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further "Period the Advance of Money out of the Consolidated Fund to a "limited Amount, for carrying on Public Works and Fisheries, and "Employment of the Poor," and any Act or Acts for amending or continuing the same, may, if they think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rate. 20 25

Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate.

CXVII. If the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage. 30 35

Power to borrow Money to pay off former Mortgages.

CXVIII. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if they think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed 40

for

for defraying Costs, Charges, and Expenses incurred by the Local Board in the Execution of this Act.

CXIX. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed to the Commissioners, with the Exception of the Clause numbered Eighty-four in that Act, and of the Provision requiring such Mortgages to be by Deed duly stamped, shall be incorporated in this Act.

Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.

CXX. Every Mortgagee shall be repaid the Sums advanced, with Interest, without any Preference the one over the other by reason of any Priority of Advance or of the Date of his Mortgage.

Mortgagees not to have Priority.

CXXI. If any Principal Money or Interest is unpaid, after the Expiration of *Six* Months from the Time when the same has become due, upon any Mortgage under this Act, the Mortgagees may enforce the Payment of the Arrears so due by the Appointment of a Receiver, in the Manner expressed in the said incorporated Clauses of the said Commissioners Clauses Act, 1847.

Mortgagees may apply for Receiver.

Audit of Accounts.

CXXII. The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the *Twenty-fifth Day of March*,—

As to Audit of Accounts.

In case of a District consisting of a Borough, by the Auditors of the Borough;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which Case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

And any Auditor acting in pursuance of this Section may disallow any Items of Account that he thinks unauthorized by Law; and any Person aggrieved by such Disallowance may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Poor Law Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Disallowances under this Act as it has with respect to

Disallowances by the said Poor Law Auditors; or in lieu of such Application any Person so aggrieved may appeal to the Committee of Council for Health, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Disallowances by the said Poor Law Auditors. 5

Power to Auditor to require Production of Books.

CXXIII. For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any 10 such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, 15 Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding *Forty Shillings;* and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon 20 Persons guilty of wilful and corrupt Perjury; and such Auditors or Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than *Two Guineas* for every Day in which he is employed in such Audit, as the Local Board from Time to Time 25 appoints.

Notice of Audit.

CXXIV. Before each Audit of Accounts under this Act, the Local Board shall give *Ten* Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers published in the County in which the 30 District is situate; and a Copy of the Accounts to be audited shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for *Seven* Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward. 35

Report of Auditors.

CXXV. Within *Fourteen* Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more 40 of the Newspapers published in the County in which the District is situate.

Notices

Notices.

CXXVI. Where any Notice is required to be given by any Local Board under this Act or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, such Notice shall in all Cases be sufficiently authenticated if signed by the Clerk to the Local Board, or signed, in the Case of a District consisting of a Borough in which there is no such last-mentioned Clerk, by the Town Clerk; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further Proof thereof.

Notices by Local Board, how to be signed.

CXXVII. Where under this Act, or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, any Notice is required to be given to the Owner or Occupier of any Building or Land, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Building or Land, or left with some Inmate of his Abode, or, if there is no Occupier, may be put upon some conspicuous Part of such Building or Land; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Building or Land; provided that when the Owner of any such Building or Land, and his Residence, are known to the Local Board, it shall be the Duty of the Local Board, if such Owner is residing within the District, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner is not resident within the District, to send every such Notice by the Post, addressed to the Residence of such Owner.

As to Service of Notice on Owners and Occupiers of Buildings and Lands.

CXXVIII. All Notices required under this Act, or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, to be served on any Owner or Occupier, shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Notice to be binding on Assigns.

Byelaws.

CXXIX. The Local Board may from Time to Time make such Byelaws as they think fit for the several Purposes for which they are herein-before or by any Incorporated Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided that such Byelaws are not repugnant to the Laws of England, or to the Provisions of this Act, and are confirmed and published in manner herein-after mentioned.

Byelaws.

Byelaws may be enforced by Imposition of Penalties.

CXXX. The Local Board, by the Byelaws so to be made by them may impose such reasonable Penalties as they think fit, not exceeding *Forty Shillings* for each Breach of such Byelaws, except as otherwise provided by this Act; but such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby is sought, to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

CXXXI. No Byelaw made by the Local Board under the Authority of this or any Incorporated Act shall be of any Force until it has been confirmed by the Committee of Council for Health, who are hereby empowered to allow or disallow the same as they think fit; but any Byelaw when so confirmed shall be deemed to be valid to all Intents and Purposes.

Notice of Confirmation to be given.

CXXXII. No such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same has been given in One or more of the Newspapers published in the County within which the District or some Part thereof is situate *One Month* at least before the making of such Application.

A Copy of proposed Byelaws to be open to Inspection.

CXXXIII. For *One Month* at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaw shall be kept at the Office of the Local Board, and all Persons may at all reasonable Times inspect such Copy without Fee; and the Local Board shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words so to be copied.

Publication of Byelaws.

CXXXIV. Every Byelaw when confirmed shall be printed: A printed Copy thereof shall be hung up in the Office of the Local Board, and a Copy thereof shall be delivered, on Application, to every Ratepayer of the District.

Evidence of Byelaws.

CXXXV. The Production of a printed Copy of any Byelaw authenticated by the Seal of the Local Board shall, unless the contrary is shown, be Evidence of the Existence and of the due making of such Byelaw.

Legal Proceedings.

Rules as to Arbitrations.

CXXXVI. Arbitrations under this Act shall be conducted in manner directed by the Railways Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act with respect to the Settlement of Disputes by Arbitration shall be incorporated herewith.

CXXXVII. All

CXXXVII. All Penalties under this Act, and all Fees, Damages, Costs, Compensation, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties "of Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders."

Recovery of Penalties, &c.

CXXXVIII. If any Person feels aggrieved by any Order or Adjudication made by any Justice, other than any Order or Adjudication in respect of Payment of Rates, or any Order or Requisition made by any Local Board in pursuance of this Act or any Act incorporated herewith, or in pursuance of any Byelaw made by virtue of the Powers given by this Act, he may, if such Order, Adjudication, or Requisition involves the Payment or Outlay of a Sum exceeding Ten Pounds, appeal to the Court of Quarter Sessions against any such Order, Adjudication, or Requisition; but no such Appeal shall be entertained unless it is made within *Four* Months next after the making of such Order, Adjudication, or Requisition, nor unless *Ten* Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, is given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Appeal to Quarter Sessions.

CXXXIX. At the Sessions the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty, or they may modify, confirm, or quash any Order, Adjudication, or Requisition so made as aforesaid, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Order, Adjudication, or Requisition, and of the Appeal, as they may think reasonable.

Court to make such Order as they think reasonable.

CXL. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the Committee of Council for Health, nor against the Local Board or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the Local Board, for anything done or intended to be done under the Provisions of this Act or

Notice of Action.

of any Act incorporated herewith, until the Expiration of *One Month* next after Notice in Writing has been delivered to him, or left at their or his Office or usual Place of Abode, clearly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within *Six* Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder.

Tender of Amends.

CXLI. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Things required to be done by Two Justices may in certain Cases be done by One.

CXLII. All Things herein, or in any Act incorporated herewith, authorized or required to be done by Two Justices, may be done by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices.

Justices not disqualified by being a Member of Local Board.

CXLIII. Except in Cases where express Provision to the contrary is made by this Act, no Person shall be disqualified from acting as a Justice of the Peace under this Act by reason of his being a Member of the Local Board of the District within which the Subject Matter of which he has cognizance arises.

Reporting on Execution of Act.

Accounts to be transmitted to the Committee of Council for Health.

CXLIV. Every Local Board shall make a Report, in such Form and at such Time as the Committee of Council for Health may from Time to Time direct, of all Works executed by them during the preceding Year, of all Sums received and Disbursements made, under and for the Purposes of this Act, and shall send a Copy to the Committee of Council

Council for Health, and deliver a Copy free of Charge to every Ratepayer in the District who applies for the same.

Miscellaneous.

Entry upon Lands for the Purposes of this Act.

CXLV. The Local Board, their Officers or Servants, may enter, examine, and lay open any Lands or Premises for any of the Purposes of this Act; and in case the Owner or Occupier of such Lands or Premises refuses to permit the same to be so entered upon, examined, or laid open, the Local Board may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, their Officers and Servants, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause is shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Local Board, or any Member thereof, and any Officer and Servant of the Local Board, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as may be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless *Twenty-four* Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, has been given to the Occupier of the Premises intended to be entered.

Power to require Gas and Water Pipes to be moved.

CXLVI. Whenever, for the Purposes of this Act, the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may, by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same, in such Manner and within such reasonable Time as is specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act, except in Cases where, under any Local Act of Parliament, the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are directed to be borne by the Person to whom such Pipes or Works belong, in which Cases the Liability of such last-mentioned Person in respect of such Expenses shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed; and if such Notice as aforesaid is not complied with, the Local Board may make the required Alteration; but no Alteration

shall be required or made under this Section which will permanently injure any such Pipes, Mains, Plugs, or Works.

Superintending Inspectors may summon Witnesses, and call for Plans, &c.

CXLVII. During any Inquiry by a Superintending Inspector under this Act, he may summon before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds:* Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than *Ten* Miles from his Place of Abode.

Penalty for obstructing Officers, defacing Boards, &c.

CXLVIII. Whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board, Handbill, or Placard upon which any Bye-law, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local Board or of the Committee of Council for Health, be liable for every such Offence to a Penalty not exceeding *Five Pounds.*

Penalty on Injury to Works, &c. of Local Board.

CXLIX. If any Person wilfully injures any Works or Property belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds.*

Penalty on Occupier preventing Execution of Works.

CL. If the Occupier of any Premises prevents the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf may, by Order, require such Occupier to permit the Execution of the Works required to be executed, if he thinks the same to be such as are necessary for the Purpose of carrying into effect the Provisions of

of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuses to comply therewith, he shall incur a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; 5 and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the 10 Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglects or refuses to attend at the Time and Place so appointed, or if he does not show good Cause for such Refusal, or if such wilful Omission or Mis-statement is proved, the Justice before 15 whom the Party is so summoned may impose upon the Offender a Penalty not exceeding *Five Pounds.*

Persons giving false Evidence liable to Penalties of Perjury.

CLI. Every Person who, upon any Examination upon Oath under the Provisions of this Act, wilfully and corruptly gives false Evidence, shall be liable to the Penalties of wilful and corrupt 20 Perjury.

Persons acting in Execution of Act not to be personally liable.

CLII. No Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector or any Member of a Local Board, or by any Officer or Person acting under the Direction of a Local Board, shall, 25 if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer, or Person acting as last aforesaid, shall be borne 30 and repaid out of the General District Rates levied under the Authority of this Act.

Exemptions from Stamp Duty.

CLIII. No Deed, Award, Submission, Instrument, Contract, Agreement, Receipt, or Writing, made or executed by or to the said Committee of Council for Health or Local Board, their Officers or 35 Servants, under or for the Purposes of this Act, nor any Appointment by the Committee of Council for Health or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever.

Local Board may levy a Highway Rate in certain Cases.

CLIV. In Districts constituted in pursuance of the Public 40 Health Act, 1848, or any Local Act incorporating the said Public Health Act, or any Part thereof, the Local Board may, notwithstanding that they adopt the Provisions of this Act as to Streets and Roads, levy a Highway Rate, and pay the Expenses incurred by

them in respect of such Streets and Roads out of such Rate, in Cases where such Board is at the Time of the passing of this Act empowered by any Local Act of Parliament to levy such Rate.

Local Board may retain Power of purchasing Land.

CLV. In such Districts as last aforesaid the Local Board may, notwithstanding that they adopt this Act, wholly or partially, put in force, in the same Manner as if this Act had not been passed, any of the Powers of the Lands Clauses Consolidation Act, 1845, or of any other Act of Parliament, in relation to the compulsory Purchase of Land, in Cases where they are authorized to put the same in force by any Act of Parliament passed previously to the passing of this Act. 5 10

Provision as to Cellar Clauses.

CLVI. In Districts constituted in pursuance of the Public Health Act, 1848, the Provisions herein-before contained in relation to Cellars and underground Rooms shall come into operation immediately upon the Adoption of this Act, either wholly or partially.

Power for Local Boards to divide Districts into Wards.

CLVII. In Districts constituted in pursuance of the Public Health Act, 1848, the Local Board may, for the Purpose of electing Members of such Board, whether this Act is or not adopted by them, with the Consent of the Committee of Council for Health, divide their District into Wards, and determine what Number of Members may be elected by each Ward, and the Rotation in which such Members are to vacate their Offices, and all other Matters requisite for carrying into effect the Objects of this Section. 15 20

Powers of Local Boards may be extended in certain Cases.

CLVIII. The Committee of Council for Health may empower the Local Board of any District exercising any Powers vested in them of supplying Water or of making Sewers, whether or not they adopt this Act, wholly or partially, to borrow, on the Credit of any Rates or Charges leviable by them as such Local Board, any Sums of Money not exceeding in the whole the assessable Value for *Two* Years of the Premises assessable within the District in respect of which such Sum of Money may be borrowed; and for the Purpose of securing Repayment of the Monies borrowed, to mortgage the said Rates and Charges for such Term not exceeding *Fifty* Years as the Local Board, with the Sanction of the Committee of Council for Health, shall in each Case determine; and such Mortgages shall respectively be deemed Mortgages under this Act or the Public Health Act, 1848. 25 30 35

Power to fill up casual Vacancies.

CLIX. In any District constituted in pursuance of the said Public Health Act, 1848, whether this Act is adopted or not in such District, any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise, in the Local Board, may within *One Month* be filled up by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred. 40

CLX. Nothing

CLX. Nothing in this Act contained shall in anywise abridge, lessen, or defeat any Power, Right, Privilege, or Liability of any Local Board of Health under or by virtue of any Local Act of Parliament. Powers of Local Boards not to be affected.

Oxford and Cambridge.

5 CLXI. Nothing herein contained with respect to the Constitution of Local Boards shall apply to the City of Oxford, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and the adjoining 10 Parish of Saint Clement (which Commissioners are herein-after called the Oxford Commissioners), to the Borough of Cambridge, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King George the Third, for amending and enlarging the Powers of a former Act of the 15 same Reign, for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the Cambridge Commissioners). Exception of Oxford and Cambridge.

20 CLXII. The City of Oxford, together with the Parts within the Jurisdiction of the Oxford Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Oxford Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, 25 either wholly or partially, by such Board, the District so formed shall be called the Oxford District. Adoption of Act by Oxford.

CLXIII. The City of Cambridge, together with the Parts within the Jurisdiction of the Cambridge Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the 30 Cambridge Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Cambridge District. Adoption of Act by Cambridge.

CLXIV. The Local Board of the Oxford District shall consist 35 of the Mayor of Oxford and the Vice-Chancellor of the University of Oxford, and of *Forty-five* Commissioners; *Fifteen* to be elected by the University of Oxford, *Fifteen* by the Town Council of Oxford, and *Fifteen* by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election 40 of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting Local Board of Oxford District.

stituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers.

Local Board of Cambridge District.

CLXV. The Cambridge Commissioners for the Time shall be the Local Board of Health of the Cambridge District.

Quota of Rates to be paid by the Universities, &c.

CLXVI. Nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of Oxford and Cambridge respectively to contribute in the Proportion and Manner specified in any Local Act under which the Oxford and Cambridge Commissioners respectively are at the Time of the passing of this Act acting, towards the Expense of paving and pitching, repairing, lighting, and cleansing, under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference arises between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University ought to contribute towards any Expenses under this Act, and to which the University is not liable under any such Local Act, the same shall be settled by Arbitration in manner provided by this Act; and all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges, in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any Local Act.

Saving Clauses.

Saving Clause for Proprietors of Canals, &c.

CLXVII. No Power given by this Act shall be exercised in such Manner as to do the following Things or any of them:

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing Path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To

(2.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorized by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Works which interfere with Improvement to be referred to Arbitration.

CLXVIII. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall

give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as last aforesaid a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner herein-before provided, and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

CLXIX. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

CLXX. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

CLXXI. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour,

Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, 5 or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect 10 such taking up, Diversion, or Alteration.

Saving Clause for Rights of Millowners, &c.

CLXXII. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir, River, or Stream, or any Feeders of such Reservoir, River, or Stream, in Cases where any Company or Indi- 15 vidual are entitled for their own Benefit to the Use of such Reservoir, River, or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, Bleach Works, or other Trade Purposes without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Rivers, Streams, 20 and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Arbitration Questions under preceding Sections.

CLXXIII. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any 25 Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is 30 injuriously affected by the Exercise of Powers under this Act, shall be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in 35 Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Existing Liabilities to make Sewers, &c. not to be discharged.

CLXXIV. Notwithstanding the Adoption of this Act by any District the Liability of any Person to defray or contribute towards the Expense of making, completing, altering, amending, or main- 40 taining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachment of the Sea, or of paving or flagging or putting in order any Street or Road, or any Part thereof

 within

within the District, shall, if incurred previously to the Time when this Act is so adopted, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend. 5

Saving Clause for Rights of Waterworks Companies.

CLXXV. No Power given by this Act shall be exercised in such a Manner as injuriously to affect the Waterworks of any Waterworks Company incorporated by Act of Parliament or by Royal Charter, or the Quality or Quantity of the Water supplied thereto, without the Consent in Writing of such Company. 10

Act not to affect Nuisances at Common Law.

CLXXVI. Nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Local Board or Person which is, or but for this Act would be, deemed to be a Nuisance at Common Law, nor to exempt any Local Board or Person guilty of Nuisance at Common Law from Prosecution or Action in 15 respect thereof, nor from the Consequences upon being convicted thereof.

Saving Rights of Occupiers as to private Expenses.

CLXXVII. In Cases where in pursuance of any Public Local Act of Parliament passed before this Act, the Occupier of any Premises in a Place is entitled to deduct from the Rent payable to his imme- 20 diate Landlord the whole Amount paid by such Occupier in respect of such Expenses as are herein-before called Private Expenses, he may, notwithstanding that this Act is adopted wholly or partially in such Place, continue to make a like Deduction.

Saving Clause as to Metropolitan Roads.

CLXXVIII. Notwithstanding anything in this Act contained, it 25 shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the Trustees of the New Cross Turnpike Roads, except upon the Conditions and subject to the Regulations herein-after contained; 30 that is to say,

(1.) The Local Board shall leave at the Office of the Turnpike Commissioners or Trustees *Seven* Days previous Notice containing full Particulars of any Works intended to be executed by them and affecting any of such Roads: 35

(2.) If the General Surveyor of the Commissioners or Trustees directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the Commissioners or Trustees, the Traffic of any of the said Roads shall not at 40 One Time be stopped or in any way hindered along more than

than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than *One hundred* Yards in Length, and no Alteration shall be made in the Inclination of any of the Metropolitan Roads of more than *One Foot* in Sixty Feet:

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said General Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Work shall in all Cases of Damage occurring by reason of such Works, and whether such precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent upon the Subsidence of Materials newly filled in, shall pay to the said Commissioners or Trustees, on Demand, such Sum as they may require for that Purpose, not exceeding *One Shilling* for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads, and in default the said General Surveyor may cause to be done in that Behalf what he may think fit; and in all Cases of Expense incurred by the said General Surveyor on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Saving Clause as to Transfer of Powers.

CLXXIX. Notwithstanding anything in this Act contained, no Powers and Privileges vested in any Local Authority having Jurisdiction within any District constituted under the Public Health Act, 1848, by virtue of any Act passed since the said Public Health Act was passed, shall, upon the Adoption of this Act, either wholly or partially, by such District, be transferred to or vested in the Local Board of Health thereof.

Saving existing Debts.

CLXXX. All Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the Adoption of this Act, either wholly or partially, may be enforced, and all Powers

vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, may be exercised in the same Manner as if no such Adoption had taken place; and it shall be lawful for the Local Board, if they think fit, to raise Money for satisfying such Debts, Contracts, and Engagements as last aforesaid by and out of any Property belonging to them, or by and out of any Rates, Tolls, or other Monies leviable by them under this Act, in the Stead of satisfying the same by and out of such Rates, Tolls, or other Means as are firstly herein-before mentioned.

Public Health Act, 1848, *not to be applied.*

Public Health Act, 1848, not to be applied in future.

CLXXXI. The Public Health Act, 1848, shall not, after *the passing of this Act*, be applied to any District.

SCHE-

SCHEDULE.

FORM A.

Voting Paper.

At a Meeting held on the Day of it was agreed that the following Resolution should be proposed to the Ratepayers:—

"That the Public Health Act, 1857, be adopted, with the Exception of the Provisions with respect to Streets and Roads."

	In favour of.	Against.	Number of Votes.	
			As Owner.	As Ratepayer.
Do you vote in favour of or against the Adoption of this Resolution? - -	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words "as Proxy for," with the Name of the Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the hours of and .

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1857, Section 17.)

FORM B.

Voting Paper.

Number of Members to be elected,

The following Candidates are nominated as Members of the Local Board:

Candidates.	Residence.	Nominated by	Seconded by	——	Number of Votes. As Owner.	Number of Votes. As Ratepayer.
John Brown -	17, Charles Street	Richard Round, of 20, Queen's Square.	Robert Ready, of 2, Vere Street.	*T.E.*	1	2
John Smith -	2, Ely Place -	William Mill, 4, Feathers Court.	Charles Cook, 20, Balls Alley.	——		
John Jones -	- - -	- - -	- - -	*T.E.*		
John Robinson	- - -	- - -	- - -	*T.E.*		

Thomas Evans,
of

N.B.—The Ratepayer can vote for Candidates. He will put his Initials opposite the Name of the Person for whom he votes. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark, instead of writing his Initials, but such Mark must be attested by a Witness, and the Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words "as Proxy for," with the Name of the Corporation or Company for which he is Proxy. This Paper will be collected on the Day of , between the Hours of and .

Take Notice.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding Three Months, with or without Hard Labour."—(*Public Health Act*, 1857, Section 17.)

Public Health Act (184
Amendment.

A

BILL

To amend the Public Health Act, 1848,
to make further Provision for Town
provement.

(*Prepared and brought in by*
Mr. Cowper and Mr. Monsell.)

Ordered, by The House of Commons, *to be Printe*
15 *July* 1857.

[Bill 124.]

Under 11 *oz*.

8 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service, near Whitehall and Her Majesty's Palace of Westminster.

WHEREAS by "The Downing Street Public Offices Extension Act, 1855," the Commissioners of Her Majesty's Works and Public Buildings were empowered to provide a Site for additional Offices for the Public Service in or near Downing Street, Westminster: And whereas with a View to further facilitate the Despatch of the Public Business of Her Majesty, it is expedient that several of the principal Offices in which such Business has been heretofore and is now carried on should be concentrated, and that a Site of adequate Extent and conveniently situated for the Erection of Public Offices thereon should be provided, and that certain Lands and Tenements of Her Majesty and divers of Her Majesty's Subjects situate near Whitehall and Her Majesty's Palace of Westminster, described in the Schedule to this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned

Preamble. 18 & 19 Vict. c. 95.

mentioned for the Purpose aforesaid: And whereas a Map or Plan describing the Tenements and Hereditaments to be acquired by the said Commissioners under the Authority of this Act has been prepared under the Direction of the Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners incorporated for the Purposes of this Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth Victoria, Chapter 42., shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession, and use a Common Seal to be by them from Time to Time altered as they think fit.

Commissioners of Works to carry this Act into execution.

II. It shall be lawful for the Commissioners, and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as after provided, the Tenements and Hereditaments in the Parish of Saint Margaret, Westminster, in the County of Middlesex, mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings and all the Ground and Buildings mentioned in the Schedule to this Act, whether now used as Streets, Ways, Yards, Pleasure Grounds, vacant Ground, or otherwise, as a Site for the Erection thereon of Offices and Buildings for the Public Service, and the necessary Accesses and Approaches to such Offices and Buildings, and to carry the Purposes of this Act into execution in manner herein mentioned.

Tenements and Hereditaments purchased to be vested in Commissioners for the Public Service.

III. All Tenements and Hereditaments purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter 28., and in all respects as if the same had been acquired under the Provisions of that Act.

Plan to be deposited in the Office of Works, &c. and be open for Inspection.

IV. The said Map or Plan describing the Tenements and Hereditaments to be acquired by the Commissioners under the Authority of this Act shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall

shall remain at the said Office to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of *One Shilling* for every such Inspection.

5 V. It shall be lawful for the Commissioners to alter, divert, stop up, or inclose all such Streets, Courts, Alleys, Ways, or Passages and void Ground, or such Part and Parts thereof as shall be necessary to be altered, diverted, stopped up, or inclosed for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, 10 Passages, and void Ground, or Parts thereof respectively, as shall be stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

Power to alter and stop up Streets and Ways.

VI. It shall be lawful for the Commissioners and they are hereby 15 empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Buildings so to be erected as aforesaid, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses injured by such Alterations as shall be agreed on by and between the Parties.

Streets may be raised or lowered.

20 VII. For the Purpose of providing a Site or Sites for, and for erecting thereon, Offices for the Public Service, and generally for the Purposes of this Act, it shall be lawful for the Commissioners to take and use any Tenements or Hereditaments and pull down and remove any Houses or Buildings thereon, at any Time after the Expiraton of 25 *Six* Calendar Months Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use the same shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons who shall be the Owners and Occupiers of such Tenements or Heredita- 30 ments, or in case he, she, or they cannot be found or ascertained, left at the usual or last known Place or Places of his, her, or their Abode, or with the Tenant or Occupier of the said Tenements or Hereditaments, or shall be affixed upon the Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

Power to take Tenements.

35 VIII. Provided always, that no Houses or Buildings, Garden or Yard belonging to a House shall be taken for the Purposes of this Act, except such as are mentioned in the Schedule to this Act, without the Consent in Writing of the Owner thereof being first obtained.

No Tenements to be taken without Consent, unless mentioned in the Schedule.

Premises may be taken notwithstanding Errors in the Schedule.

IX. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements or Hereditaments described on the said Plan as intended to be taken for the Purposes of this Act, although such Tenements and Hereditaments, or the Name or Names of the Owner or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, in case it shall appear to any Two or more of the Justices of the Peace for the City and Liberty of Westminster, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, their Surveyors, &c., to enter upon Tenements for surveying or valuing the same.

X. It shall be lawful for the Commissioners, and for their Surveyors, Officers, and Workmen, at all reasonable Times in the Daytime, upon giving Notice in Writing for the First Time *Twenty-four* Hours, and afterwards from Time to Time *Twelve* Hours previous Notice, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, for the Purpose of surveying or valuing the same.

Commissioners empowered to treat for the Purchase of Tenements.

XI. It shall be lawful for the Commissioners to agree for the Purchase of any Tenements and Hereditaments which they may deem necessary to be taken for the Purposes of this Act, and of any Interest therein or Charges thereon, or such of them, or such Part or Parts thereof respectively as the Commissioners shall think proper, and to enter into any Contract which they may think fit.

Tenements purchased to be conveyed to the Commissioners, or as they shall direct.

XII. The Tenements and other Hereditaments which may be purchased in pursuance of this Act shall be conveyed to the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, or to such Person or Persons as they shall direct, in trust for the Purposes of this Act; and the Rents and Profits of the said Tenements and Hereditaments shall be received and applied by the said Commissioners for the Purposes of this Act.

Limitation of Time for compulsory Purchase.

XIII. If the Commissioners shall not within the Space of *Three* Years from the passing of this Act purchase or take the Tenements and Hereditaments, or Parts thereof respectively, which they are hereby empowered to purchase, then the compulsory Powers hereby granted to them for such Purpose shall cease.

Bodies Politic, Trustees, and other Persons empowered to sell and convey.

XIV. It shall be lawful for all Bodies politic, corporate, or collegiate, ecclesiastical or lay, aggregate or sole, and for all Trustees and Feoffees in trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their

their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for selling or conveying the same, and to and for all Guardians on behalf of their Wards, Husbands on behalf of their Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right, and notwithstanding any Restraint from Alienation, to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf not only of themselves but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life, or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any of the said Tenements or Hereditaments which by the Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same and every or any Part thereof to the Commissioners and their Successors, or to such Person or Persons as the Commissioners shall direct for the Purposes of this Act; and all Contracts and Assurances which shall be made by such Bodies Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whosoever contracting or conveying as aforesaid are hereby indemnified for or in respect of any such Sale which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act.

Satisfaction to be made, and may be accepted.

XV. All Bodies and Persons herein capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept such Satisfaction for the Value thereof, and such Bodies or Persons, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises entitled to any Compensation for Tenant's Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, may accept such Sum of Money in respect thereof as shall be agreed upon between them and the Commissioners, and in case they cannot agree as to the Amount the same shall be ascertained by a Jury in manner herein-after directed.

Parties to deliver a Statement of their Claims.

XVI. On or before the Expiration of *One Calendar Month* next after Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body or Persons authorized by this Act to accept Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to the Commissioners or leave at their Office a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which they claim to be entitled to, or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained, and of the Amount of the Money which they may be willing to receive in satisfaction or Recompence for the Value of such Estate, Share, Interest, or Charge; and also the Amount of the Sum or Sums of Money, which they may be willing to receive as Compensation for such Goodwill, and Improvements and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned.

XVII. If any Bodies or Persons seised, possessed of, or interested in any Tenements or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the Commissioners for the Sale and Disposal of their respective Estates and Interests therein, or

cannot

cannot be found or known, or shall not produce a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the Commissioners, then and in every or any such Case the High Bailiff of the City and Liberty of Westminster or his Deputy, or in case such High Bailiff or his Deputy shall be in anywise interested in the Matter in question, then some One of the Coroners of the County of Middlesex not interested therein shall, upon the Warrant of the Commissioners in manner herein-after mentioned, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of *Twelve* indifferent Men of the said City of Westminster, which Oaths the said High Bailiff or his Deputy or Coroner is and are hereby empowered and required to administer, what Damages will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for the Value of such Tenements or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess the Money to be paid to such Parties respectively for the Purchase of such Tenements or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties: Provided such Goodwill shall be estimated by what, in the Opinion of such Jury, the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Tenements or Hereditaments for the Purposes of this Act: And the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said High Bailiff, Deputy, or Coroner is and are hereby empowered and required from Time to Time as occasion shall require to summon and call before the said Jury and examine upon Oath all Persons whomsoever, whom it shall be thought necessary to examine as Witnesses touching or concerning the Premises, which Oath the said High Bailiff, Deputy, or Coroner is and are hereby empowered to administer, and such High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have settled such Damage and Satisfaction, the said High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so

assessed by the said Jury to be paid by the Commissioners to the said Parties interested therein according to such Verdict of the Jury, which said Verdict shall be final as against all Parties interested, and all other Persons whomsoever; and for the summoning and returning of such Jury, the Commissioners are hereby empowered to issue 5 their Warrant or Warrants to the said High Bailiff, Deputy, or Coroner to summon, impannel, and return at some convenient Place in the said City of Westminster a Jury of not less than *Thirty-six* nor more than *Forty-eight* honest and indifferent Men qualified according to Law to be returned for Trials of Issues in Her 10 Majesty's Courts of Record at Westminster, to appear before the said High Bailiff, Deputy, or Coroner at such Time and Place as in such Warrant shall be appointed; and *Fourteen* Days Notice at the least in Writing under the Hands of the Commissioners of the Time and Place at which such Jury are so required to be returned 15 shall be given to such Person interested in the Premises before the Time of Meeting of the said Jury by leaving such Notice at the Dwelling House of such Persons, or of the Head Officer of any Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued, and the 20 said High Bailiff, Deputy, or Coroner is and are hereby empowered to impannel, summon, and return such Number accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said High Bailiff, Deputy, or Coroner shall swear or cause to be sworn *Twelve*, who 25 shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of *Twelve*, and it shall be lawful 30 for all Persons concerned by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the said High Bailiff, Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array. 35

Where Part of an Estate is taken, the Remainder to be valued.

XVIII. If the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties 40 cannot agree as to the Sum of Money to be paid for the Part which the Commissioners or any Person or Persons authorized by them shall not think it necessary to purchase, then the Jury shall assess the Value of the whole Premises according to the Condition in which they

they are at the Time of taking the View; and also the Value of that Part of the Premises which shall remain after the Commissioners or the Person or Persons authorized by them have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of the Compensation claimed.

XIX. No Jury to be summoned by virtue of this Act shall be allowed to award any Sum or Sums of Money to any Body or Person by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenant's Fixtures, or any Injury or Damage alleged to have been sustained by reason or means of this Act, or anything which shall or may be done in the Execution thereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the Commissioners or left at their Office as aforesaid, by and on behalf of such Person or Persons *Ten* Days at least before the Time of the meeting of such Jury.

Penalty on High Bailiff, Jury, and Witnesses for Neglect of Duty.

XX. If the High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall, for every such Offence, forfeit and pay any Sum not exceeding *Ten Pounds* to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at Westminster; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Matter wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall, for every such Offence, forfeit and pay any Sum not exceeding *Ten Pounds;* which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of Westminster, by Distress and Sale of the Goods and Chattels of the Persons so offending, the Person making such

Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted; and all such Fines shall be paid to the Commissioners, to be applied for the Purposes of this Act. 5

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XXI. In all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and 10 divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall 15 have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Value of Tenements to be ascertained distinct from Goodwill or other Damages.

XXII. The Jury so to be summoned as aforesaid shall award all 20 Determinations, Judgments, and Verdicts which they shall make and give, in execution of the Powers hereby vested in them, concerning the Value of Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of 25 any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, 30 Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid the Jury shall, if required by the Commissioners, declare whether the Statement 35 delivered by the Claimant of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Commissioners to make a proper Offer.

Providing for Expenses of Jury.

XXIII. In case any Jury to be summoned and sworn pursuant to 40 the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests,

Interests, or Property of any Person or Persons in any such Tenements or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the Commissioners by any Body or Persons who is or are by the Provisions of this Act, or otherwise, legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the Commissioners) all such Costs, Charges, and Expenses to be settled by such High Bailiff, Deputy, or Coroner in manner aforesaid shall be paid to the Commissioners by the said Body or Person so claiming such Compensation or refusing to treat and agree as before mentioned respectively (save only where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid), in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other, and all Costs, Charges, and Expenses hereby directed to be paid to the Commissioners shall be deducted and retained by them out of the Money so assessed to be paid by them, as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be taken to be a Payment or Tender of the whole Sum so assessed, or in case no Money or no sufficient Sum of Money shall be assessed to be

paid by the Commissioners, whereout such Costs, Charges, and Expenses can be deducted, then the same shall be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of Westminster, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

Verdicts to be recorded.

XXIV. A Minute or Docket of all the said Verdicts shall be recorded in the Office of the Commissioners, and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said City and Liberty of Westminster, to be preserved by him amongst the Records of the Quarter Sessions of the said City and Liberty, and shall be deemed to be Records to all Intents whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of *One Shilling*, and to take Copies thereof, paying for every Copy the Sum of *Sixpence* for every Seventy-two Words, and so in proportion for any less Number of Words.

Commissioners empowered to purchase the whole of the Premises if the Owners are unwilling to sell a Part.

XXV. If in any Case the Owner of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which shall at any Time be required by the Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell such Part only as shall be required by the Commissioners, the Commissioners are hereby required, at the Option of any Owner of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner the whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner shall think fit, and to apply so much and such Part thereof as they the Commissioners, with such Consent as aforesaid, shall see fit, for the Purposes aforesaid; and if such Owner shall not or cannot agree with the Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof, as aforesaid, then the Value thereof shall be ascertained by a Jury, in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises, the Value of which shall be ascertained by a Jury in the Manner aforesaid.

XXVI. In

XXVI. In all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of, or entitled unto, in any Tenements or Hereditaments intended to be taken or used under 5 the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the Commissioners are hereby authorized to require such Person to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or 10 Compensation shall be made, or the best Evidence thereof in his Power, and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shewn within *Twenty-one* Days after Demand made by the Commissioners, or any Person by them authorized, the 15 Person claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

Persons holding under Leases to produce the same.

XXVII. In case any Difference shall arise between the Commissioners and any of the Owners of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the 20 Damages done by the Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be determined by some Two or more Justices of the Peace for the City 25 of Westminster, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine the Amount of Compensation which shall be payable by the Commissioners, and such justices may examine Witnesses and administer Oaths in all respects, and with the same Consequences as 30 to false Swearing, as if the same were a Judicial Matter brought before them, on which they were by Law entitled to adjudicate.

For settling Disputes as to Damages of small Amonnt.

XXVIII. Provided always, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid, pursuant to any such Agreement or Verdict as aforesaid, shall be paid or ten- 35 dered to the Party entitled to the same, or into the Bank of England, as herein mentioned, before the Commissioners or any Person or Persons authorized by them shall proceed to take possession of any Tenement, or to pull down any House or other Erection or Building comprised in or affected by such Agreement or Verdict respectively, 40 or to use the same for any of the Purposes of this Act.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXIX. If any Body or Person seised or possessed of or interested in any such Tenement, House, or Hereditament, or Share or Shares,

Commissioners empowered to

take possession on Payment of Purchase Money into the Bank of England.

Estate or Interest therein, or Charge thereon as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Commissioners or shall refuse to execute a Conveyance thereof, then and in every of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Jury in manner aforesaid to be paid for the Purchase of or for the Value of the same Premises into the Bank of England, as herein-after directed and required, (in case the same shall be requisite,) for the Use of such Person so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person or unknown Person to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims, and Demands, as fully and effectually as if every Body or Person having any Estates in the Premises had actually conveyed the same by Release, Bargain, and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin or any such Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person or unknown Person of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person or Persons and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the Commissioners.

Application of Purchase Money when amounting to 200*l.*;

XXX. If any Money shall be agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share, Estate, or Interest therein, or Charge thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body or Person under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount

amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, pursuant to the Method prescribed by an Act passed in the Twelfth
5 Year of the Reign of King George the First, intituled "An Act for "better securing the Monies and Effects of the Suitors of the Court "of Chancery, and to prevent the counterfeiting of East India Bonds "and Endorsements thereon, and likewise Endorsements on South "Sea Bonds," and pursuant to the General Rules and Orders of the
10 said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King George the Second, intituled "An Act to "empower the High Court of Chancery to lay out on proper "Securities any Monies, not exceeding a Sum therein limited, out of "the Common and General Cash in the Bank of England belonging
15 "to the Suitors of the said Court, for the Use of the said Suitors, by "applying the Interest arising therefrom for answering the Charges of "the Office of the Accountant General of the said Court," and such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to
20 be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid
25 affecting the same Tenements or Hereditaments or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, or affecting other Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested,
30 under the like Direction and Approbation of the said Court, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or
35 limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect, and in the meantime until such Purchase shall be made, the said Money, shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase
40 of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities, and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall, from Time to Time be paid by Order
45 of the said Court, to the Body or Person who would for the Time

12 Geo. 1. c. 32.

12 Geo. 2. c. 24.

being have been entitled to the Rents and Profits of the Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

when less than 200*l.*, and amounting to 20*l.*;

XXXI. Provided, That if any Money so agreed or assessed to be paid for any Tenements or Hereditaments, or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, purchased, taken, or used for Purposes aforesaid, belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his, her, or their Guardian or Committee in case of Infancy or Lunacy to be signified in Writing under their respective Hands, be paid into the Bank of England, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Body or Person making such Option and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating Parties and the Common Seal of the Commissioners, in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining, or being required to obtain the Direction or Approbation of the said Court of Chancery.

when less than 20*l.*

XXXII. Provided always, that where such Money so agreed or assessed to be paid, as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act in such Manner as the Commissioners shall think fit, or in Case of the Infancy or Lunacy of such Person, then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so entitled.

In case of not making out Titles.

XXXIII. In case the Body or Person to whom any Sum of Money shall be agreed to be paid or shall be awarded by any Jury for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interest therein or Charge thereon, to be purchased, taken,

taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises, to the Satisfaction of the Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of England, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Hereditaments, Parts, Shares, Estates, Interests, or Charges (describing such Tenements or Hereditaments), but if such Party shall not be known, to the Credit of the said Commissioner subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Person making Claim to any such Sum of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Body or Bodies, Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of England who shall receive such Sum of Money is hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, the Person in possession shall be deemed entitled until the contrary be shown.

XXXIV. Provided always, where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of England as aforesaid in pursuance of this Act, for the Purchase of any Tenements or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest into or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges at the Time of such Purchase, and every Body or Person claiming under such Body or Person, or under the Possession of such Body or Person, shall be taken to have been lawfully entitled to such Tenements and Hereditaments, Parts, Shares, Estates, Interests, or Charges,

Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Tenements or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.

XXXV. Provided also, That where by reason of any Disability or Incapacity of the Body or Person entitled to any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of England as aforesaid, to be applied in the Purchase of other Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of the Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable to be paid by the Commissioners, who shall from Time to Time pay such Sum or Sums of Money out of the Monies appropriated and applicable to the Purposes of this Act as the said Court shall direct.

Where the Title is defective by reason of a Rent payable out of other Estates, as well as Hereditaments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

XXXVI. Where the Money awarded to be paid for any Tenements and Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of England, in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments, to the Satisfaction of the Commissioners or any Person authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Person unable or unwilling to release therefrom the Tenements or Hereditments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed to be paid, shall be for ever discharged from such Rent, and all Claims and Demands in respect thereof, and the Money to be paid into the Bank of England shall be laid out and invested, under the Direction of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Tenements and Hereditaments

Hereditaments for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent) 5 to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect, and in the meantime, and 10 until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the Accountant General of the said Court in his Name, in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the meantime, and until 15 the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Tenements 20 or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner to all 25 Intents and Purposes as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto, and the Body or Person to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof, or of any Part thereof, out of or upon the Tenements or 30 Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner to all Intents 35 and Purposes as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto, and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if it shall think proper, upon Application thereto, to order any 40 Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time, to the Body or Person for the Time being entitled to the said Rent, in discharge thereof, or Part thereof, as the Case may be.

Power to purchase the Release of Hereditaments wanted from Rents charged thereon.

XXXVII. Where any Tenements or Hereditaments purchased or wanted or intended to be purchased by the Commissioners shall be subject, solely or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent Service, Rentcharge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the Commissioners to agree for the Release of the Tenements or Hereditaments so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent Payment or Incumbrance, for such gross Sum as shall be agreed upon between the Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by any Person and Corporation by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Money on the Sale of Lands, and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased or wanted or intended to be purchased by the Commissioners, and all Assurances which shall be made by and between or to the Commissioners, and any such Party as aforesaid, respecting such Release, shall be valid in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the Commissioners therefrom, then it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Tenements or Heredita-

ments

ments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Hereditaments purchased by the Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased by the Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall belawf ul for the Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrances which shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on Leases to be apportioned.

XXXVIII. In all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease, or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for a Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act, and the Residue of such Tenements or Hereditaments, and such Apportionment, shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with,

and shall not be valid without the Consent and Approbation of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden, and any Person hereby capacitated to sell, who shall be a Lessor, shall be capacitated to assent and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease, and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but not further, continue in full Force.

Mortgagees to convey to the Commissioners.

XXXIX. Every Body and Person having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in trust for any other Body or Person, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely or jointly with any other Tenements or Hereditaments which shall not be so required) shall, on Payment or Tender by the Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of *Six* Calendar Months Interest on the said Principal Money, (which Tender and Payment the Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for an Estate or Interest of the Party or Parties entitled to the Equity of Redemption,) of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required to the Commissioners and their Successors, or to such Person as the Commissioners shall appoint; or in case such

such Mortgagees shall have Notice in Writing from the Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of *Six* or less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of such *Six* or less Number of Calendar Months, on Payment or Tender by the Commissioners of the Principal Money and Interest which would become due at the End of *Six* Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the Commissioners and their Successors, or as the Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Payment or Tender as aforesaid, then on Payment of such Money, Interest, and Costs into the Court of Chancery as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of England at or near the End of *Six* Calendar Months from the Day of giving such Notice, as aforesaid, or as soon after as possible, or in lieu of such Notice and in addition to the said other Monies of *Six* Calendar Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and *Six* Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate and Interest of such Mortgagee and of every Person in trust for him or for whom he shall be Trustee, shall vest in the Commissioners and their Successors who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Premises

XL. In all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage

or a Part only of the Premises is taken.

gage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required shall be settled and agreed upon by and between such Mortgagee and the Body, Trustee, or Person entitled to the Equity of Redemption of such Tenements or Hereditaments whether absolutely or for such Estate as might capacitate such Parties to convey for the Purposes of this Act on the one Part and the Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference, and the Amount of such Value and Compensation being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Tenements or Hereditaments the Value whereof shall have been so agreed upon or determined as aforesaid, or in case of the Party neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of England to the Credit of the said Mortgagee as by this Act is provided in Cases of the like Nature, and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that every Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of his Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of

of the whole of the Tenements or Hereditaments originally comprised in such Mortgage; provided also, that when a Part only of the Tenements or Hereditaments subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the Commissioners and their Successors, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners to the Person so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XLI. Every Tenant at Will or Lessee for a Year, or any other Person in possession of any such Tenements or Hereditaments or any Part thereof which shall be purchased by virtue of this Act or vested in the Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall at the End of *Six* Calendar Months next after Notice in Writing signed by the Commissioners shall have been given to him or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time of such Tenant's holding or not, quit and relinquish the said Premises unto the Commissioners or to such Person as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Premises, then and in such Case the Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Tenements or Hereditaments are herein-before directed to be ascertained, or if the Commissioners and the other Parties in difference shall agree thereto the same may be settled by a Reference to the Award of Arbitrators and their Umpire to be chosen by the Parties in difference, and that all and every Person and Body in possession of any Tenements or Hereditaments or any Part of any Tenements or Hereditaments which shall or may be purchased in pursuance of this Act by the Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest

terest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the Commissioners or to such Person as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Body shall hold the said Premises, shall at and from the End and Expiration of such *Six* Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the Commissioners; and if any such Tenant at Will or Lessee, or other Person or Body, shall refuse or neglect to deliver up the Premises at the Expiration of such *Six* Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the City and Liberty of Westminster to issue his Precept or Warrant to the Constables of the said City and Liberty for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person as shall in such Precept or Warrant be nominated to receive the same on behalf of the Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of the Premises under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

Persons authorized to sell may refer it to Arbitrators to fix the Price.

XLII. Every Person hereby capacitated to sell, and who may not agree with the Commissioners as to the Price to be paid, may, if he shall think fit, instead of having the Values ascertained by a Jury as aforesaid, agree with the Commissioners to refer it to any Person or Persons, and their Umpire, to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

Power to clear the Ground and sell old Materials.

XLIII. It shall be lawful for the Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper,

proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively 5 and of such Sale or Sales), and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Purchases to be made under the Authority of the Treasury.

XLIV. No Purchase shall be made by the Commissioners for the 10 Purposes of this Act without the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, but it shall not be necessary for any Vendor to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor any Evidence of such 15 Assent: Provided nevertheless, that such Assent may be given either generally or for any particular Purchase or Purchases as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Materials, &c. vested in the Commissioners.

XLV. The Right and Property of all and every the Gates, Bars, 20 Posts, Rails, Sheds, Carts, Engines, Materials for Paving, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the Commissioners or by their Order, or otherwise belonging to and used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be 25 pulled down by the Direction of the Commissioners in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions and to prefer and prosecute with effect any Bill or Bills of 30 Indictment against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them the Commissioners or their Officers or other Persons acting under them in the Possession thereof.

Commissioners may cause Actions to be brought for Breach of Contract.

35 XLVI. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the 40 Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the Commissioners may cause an Action to be brought in any

of Her Majesty's Courts of Law at Westminster against any such Contractor or Contractors for any Penalty contained in his Contract, and on Proof of the signing of the said Contract and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty when recovered shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract for such Sum of Money as the said Commissioners shall think proper.

Costs and such Sum as Jury may find to be paid to Person obtaining Judgment in lieu of Premises.

XLVII. If any Proceedings shall be taken for the Recovery of the Possession of any Tenements or Hereditaments so purchased or taken for the Purposes of this Act, then within *Two* Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises, there shall be paid or tendered to any Person so obtaining such Judgment in lieu of such Premises his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of the Act, or when Possession thereof was taken as aforesaid; and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises, and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act; and the said Tenements and Hereditaments, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, such Amount or Value being taken and accepted in lieu thereof.

Deeds, &c. not liable to Stamp Duty.

XLVIII. No Deed, Bond, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed

posed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

XLIX. The Commissioners shall from Time to Time render and give an Account to the Commissioners for executing the Office of Lord High Treasurer of the Amount of all Monies which shall be received by the Commissioners for the Purposes or under the Authority of this Act, and of the Application of all such Monies, and the Commissioners for executing the Office of Lord High Treasurer shall be and they are hereby authorized and required to examine or cause to be examined every such Account, and in case they shall approve thereof to signify such their Approbation at the Foot of such Account signed by the said Commissioners for executing the Office of Lord High Treasurer, and to transmit and return the same so approved to the Commissioners; and every Account so approved and signed as aforesaid shall be a full and sufficient Discharge to the Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account and for the Expenditure and Application thereof, and the Commissioners shall not be compelled or compellable to give or render any further or other Account of any such Money or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to render an Account to the Treasury.

L. All Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Persons for giving false Evidence.

LI. No Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode *Twenty-one* Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender,

Plaintiff not to recover without Notice or after Tender of Amends.

Tender, but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LII. Provided always, That no Action or Suit shall be brought or prosecuted against any Person or Body for anything done in pursuance of this Act after *Three* Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after *Three* Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his, her, or their Election plead specially or plead the General Issue and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant.

For protecting the Rights of the Commissioners of Sewers.

LIII. Provided always, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Metropolitan Board of Works in relation to Sewers.

Commissioners not to be personally liable.

LIV. Nothing in this Act or in any Deed or Instrument entered into or made by the Commissioners for the Purposes of this Act shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the said Deed or Instrument contained on the Part of the same Commissioners or any of them, but the Amount

Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them, thereupon shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster-General.

LV. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Contracts made by First Commissioner of Works to be valid.

LVI. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid, shall be valid and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Deeds to be enrolled in the Court of Exchequer.

LVII. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Tenements or Hereditaments by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be as good and available in Law and of the like Force and Effect in all respects and to all Intents and Purposes as if the same or a Memorial thereof had been registered in the Office appointed for

registering Deeds and other Conveyances of Land and Tenements in the County of Middlesex, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

LVIII. It shall be sufficient for all Purposes to cite this Act as "The Public Offices Extension Act, 1857." 5

SCHE-

SCHEDULE referred to in the foregoing Act.

THE PARISH OF SAINT MARGARET, IN THE CITY AND LIBERTY OF WESTMINSTER, IN THE COUNTY OF MIDDLESEX.

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Upper Crown Street.			
1	1	Dwelling House and Yard	Major-General Edward Pery Buckley.	Ann Gardner	Daniel Pudduck and his weekly Tenants.
2	2	Dwelling House and Yard			Charles Batten and his weekly Tenants.
3	3	Dwelling House and Yard		William Octavius Garstin	Joseph Crow and his weekly Tenants.
4	4	Dwelling House and Yard			Daniel Puddock and his weekly Tenants.
5	5	Dwelling House and Yard			William Bennett and his weekly Tenants.
6	6	Dwelling House, Beer-shop, and Yard.	The Dean and Chapter of Saint Peter, Westminster.	Eliza Fitzherbert Forssteen	Robert Fergusson and his weekly Tenants.
7	7	Dwelling House and Yard			William Findlay and his weekly Tenants.
8	8	Dwelling House and Yard			Rebecca Friend and her weekly Tenants.
9	9	Dwelling House and Yard			Robert Tyler and his weekly Tenants.
10	59	Dwelling House and Yard		Martha Gibbons, David Gibbons	John Lindsey and his weekly Tenants.
11	58	Dwelling House and Yard			William Bramwell and his weekly Tenants.
12	55	Dwelling House and Yard		Martha Gibbons, David Gibbons, Jane White	Jane White and her weekly Tenants.
13	12	Dwelling House, Shop, and Yard.			Jane White and her weekly Tenants.
14	- -	Public Street - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
		Crown Court.			
15	1	Dwelling House and Yard	Major-General Edward Pery Buckley.	Joseph Bowley	Joseph Bowley and his weekly Tenants.
16	2	Dwelling House and Yard	The Dean and Chapter of Saint Peter, Westminster.	Martha Gibbons, David Gibbons.	Joseph Bowley and his weekly Tenants.
17	3	Dwelling House, Shop, and Yard.		Eliza Fitzherbert Forssteen.	George Sommers and his weekly Tenants.
18	4	Dwelling House and Yard	Major-General Edward Pery Buckley.	Joseph Bowley	Joseph Bowley and his weekly Tenants.
19	- -	Public Way - - -	- - - - -	- - - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Lower Crown Street.		
20	13	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley, George Lucas.	George Lucas and his weekly Tenants.
21	14	Dwelling House and Yard			George Lucas and his weekly Tenants.
22	15	Dwelling House and Yard		William Thomas Mackrell - -	Mary Ann Thompson and her weekly Tenants.
23	16	Dwelling House and Yard			Samuel Pettifer and his weekly Tenants.
24	17	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster, Henry Bishop Courtenay.	John Henry Powell -	John Henry Powell and his weekly Tenants.
25	18	Dwelling House and Yard			Alexander Paul and his weekly Tenants.
26	19	Dwelling House, Shop, and Yard.		William Jones -	William Jones and his weekly Tenants.
27	20	Dwelling House and Yard			Mary Ann King and her weekly Tenants.
28	21	Dwelling House and Yard			George Salmon and his weekly Tenants.
29	22	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster, Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.		Edward Langley and his weekly Tenants.
30	- -	Public Street - - -	- - - - - -	- - - - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
			Charles Street.		
31	1	Dwelling House and Shop	Letitia Rawlings.	Thomas White -	Thomas White.
32	2	Public House, called the "Northumberland Arms."		John Lettsom Elliot, James Watney.	James Bishop.
33	3	Dwelling House and Shop			Edward Lee, George Lamb, and weekly Tenants.
34	4	Dwelling House and Shop	William Henry Lewer		Martha Colebrook and her weekly Tenants.
35	5	Dwelling House and Shop		- - - - - -	Joseph Bowley.
36	6	Dwelling House and Shop			John Catton and his weekly Tenants.
37	7	Dwelling House and Shop	Ann Gardner - -	James Frederick Garrard.	James Frederick Garrard.
38	8	Dwelling House and Shop		- - - - - -	Charles Thomas Henley.
39	9	Dwelling House and Shop		William Wright Larken.	William Wright Larken.
40	10	Dwelling House, Shop, and Yard.	Major-General Edward Pery Buckley.		Empty.
41	11	Dwelling House, Shop, and Yard.		George James Yonge, Charles Crighton.	George James Yonge, Charles Crighton.
42	12	Dwelling House, Shop, and Yard.		Robert John Townsend	Robert John Townsend.
43	13	Dwelling House and Yard	Arthur Hyde Dendy	- - - - - -	Arthur Hyde Dendy and his weekly Tenants.
44	14	Dwelling House, Shop, and Yard.	Major-General Edward Pery Buckley	Martin Steele - -	Henry Thomas and other weekly Tenants.
45	15	Dwelling House - -	John Edmund Gardner	- - - - - -	Rebecca Lloyd and her weekly Tenants.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Charles Street—continued.			
46	16	Dwelling House, Shop, and Yard.	Major-General Edward Pery Buckley.	Martin Steele, John Cracklen.	John Cracklen and his weekly Tenants.
47	17	Dwelling House, Shop, and Yard.		Martin Steele - -	Martin Steele and his weekly Tenants.
48	18	Dwelling House and Shop		Charles Adkins -	Charles Adkins and his weekly Tenants, Alexander Stewart.
49	19	Dwelling House and Yard	Richard Brealey.		Empty.
50	20	Dwelling House and Yard		Thomas Fuller - -	Thomas Fuller and his weekly Tenants.
51	21	Dwelling House and Yard		James Jackson -	James Jackson and his weekly Tenants.
52	22	Dwelling House and Yard		Thomas Hayward -	Thomas Hayward and his weekly Tenants.
53	23	Dwelling House and Yard		Peter Ballennie -	Peter Ballennie and his weekly Tenants.
54	24	Dwelling House and Yard	Major-General Edward Pery Buckley.	Robert Beckerson -	Robert Beckerson and his weekly Tenants.
55	25	Dwelling House and Yard			William Gregory and his weekly Tenants.
56	26	Dwelling House and Yard			Thomas Brockington and his weekly Tenants.
57	27	Dwelling House and Yard		Martin Steele - -	Richard Powell and his weekly Tenants.
58	28	Dwelling House and Yard		Charlotte Bartholomew, Charles Jones.	Charles Jones, London Association in aid of the Moravian Missions, Robert Webb, Secretary.
		Duke Street.			
60	6	Dwelling House and Offices	Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin.	William Barron, Thomas Smith.	William Barron, Thomas Smith.
61	7	Dwelling House, Offices, and Yard.		William Lee - -	William Lee.
62	8	Dwelling House, Offices, and Yard.		Emily Morrison -	Emily Morrison.
63	9	Dwelling House, Offices, and Yard.		William Yates Freebody.	William Yates Freebody, Robinson Wright, Alexander Comrie, James Graham.
64	13	Dwelling House, Offices, and Yard.		Joseph Locke, John Edward Errington.	Joseph Locke, John Edward Errington.
65	14	Dwelling House and Yard		Frederick Yates -	Frederick Yates.
66	15	Public Offices and Yard -		Sir Robert Gill, the Lords of the Admiralty.	The Lords of the Admiralty.
67	16	Public Offices and Yard -		The Commissioners of Her Majesty's Works and Public Buildings.	The Adjutant-General.
68	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Joseph Locke, John Edward Errington.	Joseph Locke, John Edward Errington.
69	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Frederick Yates.	Frederick Yates.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Duke Street—continued.			
70	- -	Garden Ground and Outbuildings.	The Crown.	Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Lords of the Admiralty.	The Lords of the Admiralty.
71	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Commissioners of Her Majesty's Works and Public Buildings.	The Adjutant-General.
72	- -	Public Street - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Water Works Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
		Upper Charles Street.			
73	4	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	Thomas White -	Francis Roubiliac Conder, Thomas Smith Goode.
74	5	Dwelling House, Offices, and Yard.		Henry Thomas Anderson.	Henry Thomas Anderson, Edwin C——— Baines, Associated Institution for the Protection of Women, Henry Joseph Newman, Secretary.
		King Street.			
76	9	Dwelling House and Shop	The Commissioners of Her Majesty's Works and Public Buildings.	Christian Mitchell -	Christian Mitchell.
77	16*a*	Dwelling House and Shop	The Dean and Chapter of St. Peter, Westminster, Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.	John Christopher Cockerell.	George May.
78	16 and 23, Lower Crown Street.	Dwelling House and Shop			John Christopher Cockerell.
79	56	Dwelling House, Shop, and Yard.	Daniel Le Geyt, Catherine Le Geyt, Ellen Fairbone.	Charles Payne - -	Charles Payne.
	57	*See* No. 11, Parliament Street.			
80	58	Dwelling House - -	William Swinburne -	William Hughes Willshire.	William Hughes Willshire.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			King Street—continued.		
81	59	Dwelling House, Shop, and Yard.	John Edward Waring, Sarah Waring, Richard Henry Goolden, Katherine Goolden.	Henry Bingham -	Henry Bingham, and his weekly Tenants.
82	60	Dwelling House and Offices	The Commissioners of Her Majesty's Works and Public Buildings.	William Withall -	William Withall, Edward Ward Lower.
83	63	Dwelling House, Shop, and Yard.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley.	- - - -	Frederick Green and his weekly Tenants.
84	64	Dwelling House, Offices, and Yard.	John Gibbard - -	James Bigg, Henry Arthur Hunt, Charles Stephenson, Richard Garrett.	Richard Garrett.
85	65	Dwelling House and Shop	The Commissioners of Her Majesty's Works and Public Buildings.	The Western Life Assurance Society, Arthur Scratchley, Secretary.	Samuel Morris.
86	66	Public Offices - - -			The Lords Commissioners of Her Majesty's Treasury.
87	- -	Public Street - - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, the Electric and International Telegraph Company, the Public.
			Whitehall.		
88	10	Public Offices -	The Commissioners of Her Majesty's Works and Public Buildings.	- - - -	The Chief Secretary for Ireland.
			Parliament Street.		
89	1	Public Offices and Yard -	The Commissioners of Her Majesty's Works and Public Buildings.	- - - -	The Committee of Privy Council for Trade.
90	2	Public Offices and Yard -		- - - -	
91	3	Offices and Yard - -		Western Life Assurance Society (Arthur Scratchley, Secretary).	Western Life Assurance Society (Arthur Scratchley, Secretary), Thomas Greaves Barlow, James Abernethy.
92	4	Offices and Yard - -	John Gibbard - -	James Bigg, Henry Arthur Hunt, Charles Stephenson.	Henry Arthur Hunt, Charles Stephenson.
93	5	Dwelling House and Yard.	Mary Neeld - -	Barnard Wight Holt	Barnard Wight Holt.
94	6	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	George Bradford Ellicombe.	James Dorington, George Bradford Ellicombe, Richard Rous Ellicombe, Charles Evan Thomas, Thomas Chaloner Smith.
95	7	Dwelling House, Offices, and Yard.		William Withall -	William Withall.
96	8	Dwelling House, Offices, and Yard.		John Bethell - -	John Bethell, William Richard Gritten, Rice Hopkins.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Parliament Street—continued.		
97	9	Dwelling House, Shop, and Yard.	John Edward Waring, Sarah Waring, Richard Henry Goolden, Katherine Goolden.	Henry Adams -	Henry Adams.
98	10	Dwelling House - -	William Swinburne -	William Hughes Willshire.	William Hughes Willshire.
99	11 and 57 King Street.	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	John Swarbreck Gregory, George Faulkner, George Burrow Gregory, Charles Fletcher Skirrow.	John Swarbreck Gregory, George Faulkner, George Burrow Gregory, Charles Fletcher Skirrow.
100	12	Dwelling House, Offices, Shop, and Yard.	John Wilkes, Ann Wilkes, Frederick Henry Gray, Elizabeth Gray, Lucy Thomas Stone Applebee, John I'Anson, Thomas Fox, Frederick Rowland	Frederick Rickards -	Frederick Rickards, Horatio Dain, Alfred Edward Robinson.
101	13	Dwelling House, Shop, and Yard.		William Field - -	William Field
102	14	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	Benjamin Priest, St. Barbe Sladen.	Benjamin Priest, St. Barbe Sladen.
			St. James's Park.		
103	- -	Steps or Way - -	The Crown - -	- - - -	The Public.
104	- -	South Parade - - -	The Crown - -	- - - -	The Public.
105	- -	Lawn - - - -	The Crown - -	- - - -	The Crown.

Public Offices Extensio

A

BILL

To make further Provision for enablin
Commissioners of Her Majesty's Wor
acquire a Site for additional Offices fo
Public Service, near Whitehall and He
jesty's Palace at Westminster.

(*Prepared and brought in by*
Sir Benjamin Hall and Mr. Brand.)

Ordered, by The House of Commons, *to be Prin*
8 *June* 1857.

[Bill 50.]

Under 5 oz.

9 *July* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make further Provision for enabling the Commissioners of Her Majesty's Works to acquire a Site for additional Offices for the Public Service, near Whitehall and Her Majesty's Palace of Westminster.

WHEREAS by "The Downing Street Public Offices Extension Act, 1855," the Commissioners of Her Majesty's Works and Public Buildings were empowered to provide a Site for additional Offices for the Public Service in or near Downing Street, Westminster: And whereas with a View to further facilitate the Despatch of the Public Business of Her Majesty, it is expedient that several of the principal Offices in which such Business has been heretofore and is now carried on should be concentrated, and that a Site of adequate Extent and conveniently situated for the Erection of Public Offices thereon should be provided, and that certain Lands and Tenements of Her Majesty and divers of Her Majesty's Subjects situate near Whitehall and Her Majesty's Palace of Westminster, described in the First Schedule to this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned for the Purpose aforesaid: And whereas a Map or Plan describing the Tenements and Hereditaments to be acquired by the said Commissioners under the Authority of this Act has been prepared under the Direction of the Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent

Preamble. 18 & 19 Vict. c. 95.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners incorporated for the Purposes of this Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth Victoria, Chapter 42., shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of the Commissioners of Her Majesty's Works and Public Buildings, and by that Name shall have perpetual Succession, and use a Common Seal to be by them from Time to Time altered as they think fit.

Commissioners of Works to carry this Act into execution.

II. It shall be lawful for the Commissioners, and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as after provided, the Tenements and Hereditaments in the Parish of Saint Margaret, Westminster, in the County of Middlesex, mentioned in the First Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites of the said Buildings and all the Ground and Buildings mentioned in the Schedule to this Act, whether now used as Streets, Ways, Yards, Pleasure Grounds, vacant Ground, or otherwise, as a Site for the Erection thereon of Offices and Buildings for the Public Service, and the necessary Accesses and Approaches to such Offices and Buildings, and to carry the Purposes of this Act into execution in manner herein mentioned.

Tenements and Hereditaments purchased to be vested in Commissioners for the Public Service.

III. All Tenements and Hereditaments purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter 28., and in all respects as if the same had been acquired under the Provisions of that Act.

Plan to be deposited in the Office of Works, &c. and be open for Inspection.

IV. The said Map or Plan describing the Tenements and Hereditaments, or any Part or Parts thereof, to be acquired by the Commissioners under the Authority of this Act, shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Power to alter and stop up Streets and Ways.

V. It shall be lawful for the Commissioners to alter, divert, stop up, or inclose all such Streets, Courts, Alleys, Ways, or Passages and void Ground, or such Part and Parts thereof as shall be necessary to be

be altered, diverted, stopped up, or inclosed for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Passages, and void Ground, or Parts thereof respectively, as shall be stopped up and inclosed, and the Fee Simple and Inheritance thereof, 5 shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act.

VI. It shall be lawful for the Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Buildings so to be erected as 10 aforesaid, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses injured by such Alterations as shall be agreed on by and between the Parties.

Streets may be raised or lowered.

VII. For the Purpose of providing a Site or Sites for, and for erecting thereon, Offices for the Public Service, and generally for the 15 Purposes of this Act, it shall be lawful for the Commissioners to take and use any Tenements or Hereditaments and pull down and remove any Houses or Buildings thereon, at any Time after the Expiraton of Six Calendar Months Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use the 20 same shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons who shall be the Owners and Occupiers of such Tenements or Hereditaments, or in case he, she, or they cannot be found or ascertained, left at the usual or last known Place or Places of his, her, or their Abode, 25 or with the Tenant or Occupier of the said Tenements or Hereditaments, or shall be affixed upon the Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell: Provided always, that in respect of the Property described in the First Schedule to this Act as situate in Parliament Street it shall not 30 be lawful for the said Commissioners to take or use or to pull down and remove the same until after the Expiration of Twelve Calendar Months Notice in Writing from such Commissioners or their Agent duly authorized of their Intention to take or use the same, given in manner aforesaid.

Power to take Tenements.

35 VIII. Provided always, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken for the Purposes of this Act, except such as are mentioned in the First Schedule to this Act, without the Consent in Writing of the Owner thereof being first obtained.

No Tenements to be taken without Consent, unless mentioned in the Schedule.

40 IX. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements or Hereditaments described on the said Plan as intended to be taken for the Purposes of this Act, although such Tenements and Hereditaments,

Premises may be taken notwithstanding Errors in the Schedule.

or the Name or Names of the Owner or Occupier thereof, may happen to be erroneously stated or omitted in the said First Schedule, in case it shall appear to any Two or more of the Justices of the Peace for the City and Liberty of Westminster, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information. 5

Power to Commissioners, their Surveyors, &c., to enter upon Tenements for surveying or valuing the same.

X. It shall be lawful for the Commissioners, and for their Surveyors, Officers, and Workmen, at all reasonable Times in the Daytime, upon giving Notice in Writing for the First Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to 10 enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, for the Purpose of surveying or valuing the same.

Commissioners empowered to treat for the Purchase of Tenements.

XI. It shall be lawful for the Commissioners to agree for the Purchase of any Tenements and Hereditaments which they may deem 15 necessary to be taken for the Purposes of this Act, and of any Interest therein or Charges thereon, or such of them, or such Part or Parts thereof respectively as the Commissioners shall think proper, and to enter into any Contract which they may think fit.

Tenements purchased to be conveyed to the Commissioners, or as they shall direct.

XII. The Tenements and other Hereditaments which may be pur- 20 chased in pursuance of this Act shall be conveyed to the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, or to such Person or Persons as they shall direct, in trust for the Purposes of this Act; and the Rents and Profits of the said Tenements and Hereditaments shall be received and applied by the 25 said Commissioners for the Purposes of this Act.

Limitation of Time for compulsory Purchase.

XIII. If the Commissioners shall not within the Space of Three Years from the passing of this Act purchase or take the Tenements and Hereditaments, or Parts thereof respectively, which they are hereby empowered to purchase, then the compulsory Powers hereby 30 granted to them for such Purpose shall cease.

Clause A. Commissioners of Works to pay 2,470*l.* to Commissioners of Woods for the Hereditary Property of the Crown mentioned in the Second Schedule, and such Property

XIV. And whereas it has been referred to James Pennethorne of Whitehall Yard in the City of Westminster, Surveyor, to ascertain, on behalf of Her Majesty on the one Part, and of the Commissioners of Her Majesty's Works and Public Buildings on the other Part, 35 the Value of the Hereditaments belonging to Her Majesty comprised in the Second Schedule to this Act, subject to the Leases or Agreements for Leases affecting the same as mentioned in such Schedule, and such Value has been ascertained by the said James Pennethorne to be the Sum of Two thousand four hundred and 40 seventy Pounds: Be it enacted, That the said Sum of Two thousand four hundred and seventy Pounds shall be paid, by the Commissioners of

of Her Majesty's Works and Public Buildings, out of the first Monies which may be put at their Disposal by Parliament for the Purposes of this Act, to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be by them applied to the same Purposes as Monies arising from the Sale of Estates belonging to the Crown are by an Act of the Tenth Year of the Reign of King George the Fourth, Chapter Fifty, directed to be applied, and upon such Payment being made the Hereditaments comprised or mentioned in the said Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance of the same in Fee Simple, shall (subject to the Leases or Agreements for Leases in the said Second Schedule to this Act mentioned or referred to) be and become by force and virtue of this Act vested in the Commissioners of Her Majesty's Works and Public Buildings, their Successors and Assigns for ever, who shall be deemed in Law to be in the actual Seisin and Possession thereof, subject to the Leases or Agreements for Leases mentioned in the said Second Schedule, and with the same or the like Power of Recovery of the Rents and compelling the Performance of the Covenants in the said Leases or Agreements respectively reserved or contained, and on the Part of the Tenants to be paid and performed, as were possessed by Her Majesty immediately before the passing of this Act, but freed and discharged and absolutely exonerated of and from all former and other Estates, Rights, Titles, Uses, Trusts, Intents, and Purposes, Interests, Claims, and Demands, heretofore created, limited, or declared of or affecting the same, in trust nevertheless for the Purposes of this Act: Provided always, that in any Case in which other Hereditaments are comprised in the same Lease as that by which is demised any Part of the Hereditaments mentioned in the Second Schedule to this Act, nothing herein contained shall affect or prejudice the Covenants, Conditions, and Agreements contained in such Lease, so far as the same relate to the Hereditaments not mentioned in the same Schedule, it being the Intention of this Act, that, upon the said Payment being made to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, all Covenants, Conditions, and Agreements contained in any such Lease, and the Rents thereby reserved, shall be distributed, so that the same shall thenceforth be enforceable and recoverable by the Commissioners of Her Majesty's Works and Public Buildings with respect to the Hereditaments mentioned in the said Second Schedule to this Act, and by Her Majesty, Her Heirs and Successors, or by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with respect to the other Hereditaments comprised in such Lease.

thereupon to vest in the Commissioners of Works for the Purposes of this Act.

Bodies Politic, Trustees and other Persons empowered to sell and convey.

XV. It shall be lawful for all Bodies politic, corporate, or collegiate, ecclesiastical or lay, aggregate or sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, 5 but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years absolute or determinable on any Life or Lives, and all Persons having any other partial or 10 qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled 15 to the next or any subsequent Estate or Interest or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their Wards, Husbands on behalf of their Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the 20 Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right, and notwithstanding any Restraint from Alienation, to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf not only of themselves but also of 25 their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert on behalf of the Person or Persons on 30 behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested 35 in any of the said Tenements or Hereditaments which by the Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same and every or any Part thereof to the Commissioners and their Successors, or to such Person or Persons as the Commissioners shall direct, for the Purposes of this 40 Act; and all Contracts and Assurances which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whosoever, contracting or conveying as aforesaid, are hereby 45 indemnified

indemnified for or in respect of any such Sale which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act.

Satisfaction to be made, and may be accepted.

XVI. All Bodies and Persons herein capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept such Satisfaction for the Value thereof, and such Bodies or Persons, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises entitled to any Compensation for Tenant's Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, may accept such Sum of Money in respect thereof as shall be agreed upon between them and the Commissioners, and in case they cannot agree as to the Amount the same shall be ascertained by a Jury in manner herein-after directed.

Parties to deliver a Statement of their Claims.

XVII. On or before the Expiration of One Calendar Month next after Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body or Persons authorized by this Act to accept Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to the Commissioners or leave at their Office a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which they claim to be entitled to, or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained, and of the Amount of the Money which they may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which they may be willing to receive as Compensation for such Goodwill, and Improvements and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned.

XVIII. If any Bodies or Persons seised, possessed of, or interested in any Tenements or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability

shall be prevented from treating with the Commissioners for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the Commissioners, then and in every or any such Case the High Bailiff of the City and Liberty of Westminster or his Deputy, or in case such High Bailiff or his Deputy shall be in anywise interested in the Matter in question, then some One of the Coroners of the County of Middlesex not interested therein, shall, upon the Warrant of the Commissioners, in manner herein-after mentioned, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of Westminster, which Oaths the said High Bailiff or his Deputy or Coroner is and are hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for the Value of such Tenements or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess the Money to be paid to such Parties respectively for the Purchase of such Tenements or Hereditaments, and of such respective Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Tenements or Hereditaments for the Purposes of this Act; and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said High Bailiff, Deputy, or Coroner is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury and examine upon Oath all Persons whomsoever whom it shall be thought necessary to examine as Witnesses touching or concerning the Premises, which Oath the said High Bailiff, Deputy, or Coroner is and are hereby empowered to administer; and such High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have settled such Damage and Satisfaction, the said High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed

assessed by the said Jury to be paid by the Commissioners to the said Parties interested therein according to such Verdict of the Jury, which said Verdict shall be final as against all Parties interested, and all other Persons whomsoever; and for the summoning and returning of such Jury, the Commissioners are hereby empowered to issue their Warrant or Warrants to the said High Bailiff, Deputy, or Coroner to summon, impannel, and return at some convenient Place in the said City of Westminster a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at Westminster, to appear before the said High Bailiff, Deputy, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing under the Hands of the Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Person interested in the Premises before the Time of Meeting of the said Jury by leaving such Notice at the Dwelling House of such Persons, or of the Head Officer of any Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued, and the said High Bailiff, Deputy, or Coroner is and are hereby empowered to impannel, summon, and return such Number accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve, and it shall be lawful for all Persons concerned by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the said High Bailiff, Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of an Estate is taken, the Remainder to be valued.

XIX. If the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the Commissioners or any Person or Persons authorized by them shall not think it necessary to purchase, then the Jury shall assess the Value of the whole Premises according to the Condition in which

 they

they are at the Time of taking the View; and also the Value of that Part of the Premises which shall remain after the Commissioners or the Person or Persons authorized by them have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of the Compensation claimed.

XX. No Jury to be summoned by virtue of this Act shall be allowed to award any Sum or Sums of Money to any Body or Person by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenant's Fixtures, or any Injury or Damage alleged to have been sustained by reason or means of this Act, or anything which shall or may be done in the Execution thereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the Commissioners or left at their Office as aforesaid, by and on behalf of such Person or Persons Ten Days at least before the Time of the meeting of such Jury.

Penalty on High Bailiff, Jury, and Witnesses for Neglect of Duty.

XXI. If the High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at Westminster; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Matter wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of Westminster, by Distress and Sale of the Goods and Chattels of the Persons so offending, the Person making such

Distress

Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted; and all such Fines shall be paid to the Commissioners, to be applied for the Purposes of this Act.

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XXII. In all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Value of Tenements to be ascertained distinct from Goodwill or other Damages.

XXIII. The Jury so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give, in execution of the Powers hereby vested in them, concerning the Value of Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid the Jury shall, if required by the Commissioners, declare whether the Statement delivered by the Claimant of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Commissioners to make a proper Offer.

Providing for Expenses of Jury.

XXIV. In case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights,

Interests, or Property of any Person or Persons in any such Tenements or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the Commissioners by any Body or Persons who is or are by the Provisions of this Act, or otherwise, legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the Commissioners) all such Costs, Charges, and Expenses to be settled by such High Bailiff, Deputy, or Coroner in manner aforesaid shall be paid to the Commissioners by the said Body or Person so claiming such Compensation or refusing to treat and agree as before mentioned respectively (save only where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid), in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other, and all Costs, Charges, and Expenses hereby directed to be paid to the Commissioners shall be deducted and retained by them out of the Money so assessed to be paid by them, as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be taken to be a Payment or Tender of the whole Sum so assessed, or in case no Money or no sufficient Sum of Money shall be assessed to be paid

paid by the Commissioners, whereout such Costs, Charges, and Expenses can be deducted, then the same shall be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the City and Liberty of Westminster, by 5 Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be 10 deducted.

XXV. A Minute or Docket of all the said Verdicts shall be recorded in the Office of the Commissioners, and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said City and Liberty of Westminster, to be pre- 15 served by him amongst the Records of the Quarter Sessions of the said City and Liberty, and shall be deemed to be Records to all Intents whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such 20 Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

Verdicts to be recorded.

XXVI. If in any Case the Owner of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which shall 25 at any Time be required by the Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell such Part only as shall be required by the Commissioners, the Commissioners are hereby required, at the Option of any Owner of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner the 30 whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner shall think fit, and to apply so much and such Part thereof as they the Commissioners, with such Consent as aforesaid, shall see fit, for the Purposes aforesaid; and if such Owner shall not or cannot agree with 35 the Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof, as aforesaid, then the Value thereof shall be ascertained by a Jury, in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be ascertained, and all such other Proceedings shall take place respecting the 40 said Premises as are herein-before mentioned and directed with respect to the Premises, the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Commissioners empowered to purchase the whole of the Premises if the Owners are unwilling to sell a Part.

Persons holding under Leases to produce the same.

XXVII. In all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of, or entitled unto, in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the Commissioners are hereby authorized to require such Person to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power, and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shewn within Twenty-one Days after Demand made by the Commissioners, or any Person by them authorized, the Person claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling Disputes as to Damages of small Amount,

XXVIII. In case any Difference shall arise between the Commissioners and any of the Owners of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be determined by some Two or more Justices of the Peace for the City of Westminster, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine the Amount of Compensation which shall be payable by the Commissioners, and such justices may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false Swearing, as if the same were a Judicial Matter brought before them, on which they were by Law entitled to adjudicate.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXIX. Provided always, That all Sums of Money, or other Consideration, Recompence, or Satisfaction to be made or paid, pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party entitled to the same, or into the Bank of England, as herein mentioned, before the Commissioners or any Person or Persons authorized by them shall proceed to take possession of any Tenement, or to pull down any House or other Erection or Building comprised in or affected by such Agreement or Verdict respectively, or to use the same for any of the Purposes of this Act.

Commissioners empowered to

XXX. If any Body or Person seised or possessed of or interested in any such Tenement, House, or Hereditament, or Share or Shares, Estate

Estate or Interest therein, or Charge thereon as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises, to the Satisfaction of the Commissioners or shall refuse to execute a Conveyance thereof, then and in every of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Jury in manner aforesaid to be paid for the Purchase of or for the Value of the same Premises into the Bank of England, as herein-after directed and required, (in case the same shall be requisite,) for the Use of such Person so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person or unknown Person to whose Credit such Money shall be paid, in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims, and Demands, as fully and effectually as if every Body or Person having any Estates in the Premises had actually conveyed the same by Release, Bargain, and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin or any such Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person or unknown Person of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person or Persons and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the Commissioners.

take possession on Payment of Purchase Money into the Bank of England.

XXXI. If any Money shall be agreed or assessed to be paid for any Tenements or Hereditaments, or Part or Parts thereof, or Share, Estate, or Interest therein, or Charge thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body or Person under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount

Application of Purchase Money when amounting to 200*l.*;

amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of King George the First, intituled "An Act for "better securing the Monies and Effects of the Suitors of the Court "of Chancery, and to prevent the counterfeiting of East India Bonds "and Endorsements thereon, and likewise Endorsements on South "Sea Bonds," and pursuant to the General Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King George the Second, intituled "An Act to "empower the High Court of Chancery to lay out on proper "Securities any Monies, not exceeding a Sum therein limited, out of "the Common and General Cash in the Bank of England belonging "to the Suitors of the said Court, for the Use of the said Suitors, by "applying the Interest arising therefrom for answering the Charges of "the Office of the Accountant General of the said Court," and such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof as the said Court shall authorize to be paid affecting the same Tenements or Hereditaments or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, or affecting other Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect, and in the meantime until such Purchase shall be made, the said Money, shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities, and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall, from Time to Time be paid by Order of the said Court, to the Body or Person who would for the Time being

12 Geo. 1. c. 32.

12 Geo. 2. c. 24.

being have been entitled to the Rents and Profits of the Tenements and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXII. Provided, That if any Money so agreed or assessed to be paid for any Tenements or Hereditaments, or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, purchased, taken, or used for Purposes aforesaid, belonging to any Corporation or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his, her, or their Guardian or Committee in case of Infancy or Lunacy to be signified in Writing under their respective Hands, be paid into the Bank of England, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Body or Person making such Option and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating Parties and the Common Seal of the Commissioners, in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining, or being required to obtain the Direction or Approbation of the said Court of Chancery.

when less than 200*l.*, and amounting to 20*l.*;

XXXIII. Provided always, that where such Money so agreed or assessed to be paid, as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act in such Manner as the Commissioners shall think fit, or in Case of the Infancy or Lunacy of such Person, then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so entitled.

when less than 20*l.*

XXXIV. In case the Body or Person to whom any Sum of Money shall be agreed to be paid or shall be awarded by any Jury for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interest therein or Charge thereon, to be purchased, taken,

In case of not making out Titles.

taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises, to the Satisfaction of the Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of England, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Hereditaments, Parts, Shares, Estates, Interests, or Charges (describing such Tenements or Hereditaments), but if such Party shall not be known, to the Credit of the said Commissioners subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Person making Claim to any such Sum of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of proceeding, or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of the Body or Bodies, Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of England who shall receive such Sum of Money is hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, the Person in possession shall be deemed entitled until the contrary be shown.

XXXV. Provided always, where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of England as aforesaid in pursuance of this Act, for the Purchase of any Tenements or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest into or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges at the Time of such Purchase, and every Body or Person claiming under such Body or Person, or under the Possession of such Body or Person, shall be taken to have been lawfully entitled to such Tenements and Hereditaments, Parts, Shares, Estates, Interests, or Charges,

Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Tenements or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.

XXXVI. Provided also, That where by reason of any Disability or Incapacity of the Body or Person entitled to any Tenements or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of England as aforesaid, to be applied in the Purchase of other Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of the Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable to be paid by the Commissioners, who shall from Time to Time pay such Sum or Sums of Money out of the Monies appropriated and applicable to the Purposes of this Act as the said Court shall direct.

Where the Title is defective by reason of a Rent payable out of other Estates, as well as Hereditaments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

XXXVII. Where the Money awarded to be paid for any Tenements and Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of England, in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments, to the Satisfaction of the Commissioners or any Person authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Person unable or unwilling to release therefrom the Tenements or Hereditments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed to be paid, shall be for ever discharged from such Rent, and all Claims and Demands in respect thereof, and the Money to be paid into the Bank of England shall be laid out and invested, under the Direction of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Tenements and

Hereditaments for the Value of which such Money respectively shal have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect, and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the Accountant General of the said Court in his Name, in the Purchase of Three Pounds per Centum Consolidated or Three Pounds per Centum Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner to all Intents and Purposes as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto, and the Body or Person to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof, or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto, and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if it shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time, to the Body or Person for the Time being entitled to the said Rent, in discharge thereof, or Part thereof, as the Case may be.

XXXVIII. Where

XXXVIII. Where any Tenements or Hereditaments purchased or wanted or intended to be purchased by the Commissioners shall be subject, solely or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent Service, Rentcharge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the Commissioners to agree for the Release of the Tenements or Hereditaments so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent Payment or Incumbrance, for such gross Sum as shall be agreed upon between the Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by any Person and Corporation by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Money on the Sale of Lands, and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased or wanted or intended to be purchased by the Commissioners, and all Assurances which shall be made by and between or to the Commissioners, and any such Party as aforesaid, respecting such Release, shall be valid in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the Commissioners therefrom, then it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Tenements or Hereditaments

Power to purchase the Release of Hereditaments wanted from Rents charged thereon.

ments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly 5 and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Hereditaments purchased by the Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased 10 by the Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as 15 effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, 20 Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the Tenements or Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, 25 and also declaring the Amount of the Rent, Payment, or Incumbrances which shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on Leases to be apportioned.

XXXIX. In all Cases in which a Part only of any Tenements 30 or Hereditaments comprised in any Lease, or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for a Lease shall be 35 apportioned between the Tenements or Hereditaments required for the Purposes of this Act, and the Residue of such Tenements or Hereditaments, and such Apportionment, shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the 40 Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with,

and

and shall not be valid without the Consent and Approbation of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden, and any Person hereby capacitated to sell, who shall be a Lessor, shall be capacitated to 5 assent and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have 10 been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Tenements or Hereditaments not required for the Purposes of 15 this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease, and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to 20 the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but not further, continue in full Force.

Mortgagees to convey to the Commissioners.

XL. Every Body and Person having any Mortgage on any Tene- 25 ments or Hereditaments which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in trust for any other Body or Person, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tene- 30 ments or Hereditaments solely or jointly with any other Tenements or Hereditaments which shall not be so required) shall, on Payment or Tender by the Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six 35 Calendar Months Interest on the said Principal Money, (which Tender and Payment the Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for an Estate or Interest of the Party or Parties entitled to the Equity of Redemption,) of and in the Tenements or Hereditaments so 40 mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required to the Commissioners and their Successors, or to such Person as the Commissioners shall appoint; or in case

such Mortgagees shall have Notice in Writing from the Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Calendar Months, on Payment or Tender by the Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act to the Commissioners and their Successors, or as the Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid on such Payment or Tender as aforesaid, then on Payment of such Money, Interest, and Costs into the Court of Chancery as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of England at or near the End of Six Calendar Months from the Day of giving such Notice, as aforesaid, or as soon after as possible, or in lieu of such Notice and in addition to the said other Monies of Six Calendar Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate and Interest of such Mortgagee and of every Person in trust for him or for whom he shall be Trustee, shall vest in the Commissioners and their Successors who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Premises

XLI. In all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage

gage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee and the Body, Trustee, or Person entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely or for such Estate as might capacitate such Parties to convey for the Purposes of this Act, on the one Part, and the Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Tenements or Hereditaments the Value whereof shall have been so agreed upon or determined as aforesaid; or in case of the Party neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of England to the Credit of the said Mortgagee, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that every Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of his Mortgage Money or the Residue thereof (as the Case may be), or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out

or a Part only of the Premises is taken.

of the whole of the Tenements or Hereditaments originally comprised in such Mortgage; provided also, that when a Part only of the Tenements or Hereditaments subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the Commissioners and their Successors, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners to the Person so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XLII. Every Tenant at Will or Lessee for a Year, or any other Person in possession of any such Tenements or Hereditaments or any Part thereof, which shall be purchased by virtue of this Act or vested in the Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall at the End of Six Calendar Months next after Notice in Writing signed by the Commissioners shall have been given to him or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time of such Tenant's holding or not, quit and relinquish the said Premises unto the Commissioners or to such Person as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Premises, then and in such Case the Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Tenements or Hereditaments are herein-before directed to be ascertained, or, if the Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators and their Umpire to be chosen by the Parties in difference; and that all and every Person and Body in possession of any Tenements or Hereditaments or any Part of any Tenements or Hereditaments which shall or may be purchased in pursuance of this Act by the Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest

terest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Premises so in their respective 5 Possessions unto the Commissioners or to such Person as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Body shall hold the said Premises, shall at and from the End and Expiration of such Six Calendar Months, 10 or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the Commissioners; and if any such Tenant at Will or Lessee, or other Person or Body, shall refuse or neglect to deliver up the Premises at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be 15 lawful for any Justice of the Peace for the City and Liberty of Westminster to issue his Precept or Warrant to the Constables of the said City and Liberty for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable for that especial Purpose, commanding and requiring such Constable or 20 Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person as shall in such Precept or Warrant be nominated to receive the same on behalf of the Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession 25 to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of the Premises under or by virtue of this Act in any Case 30 where special Injury shall be proved to their Satisfaction.

XLIII. Every Person hereby capacitated to sell, and who may not agree with the Commissioners as to the Price to be paid, may, if he shall think fit, instead of having the Values ascertained by a Jury as aforesaid, agree with the Commissioners to refer it to any Person or 35 Persons, and their Umpire, to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

Persons authorized to sell may refer it to Arbitrators to fix the Price.

XLIV. It shall be lawful for the Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased 40 by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think

Power to clear the Ground and sell old Materials.

proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively and of such Sale or Sales), and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Purchases to be made under the Authority of the Treasury.

XLV. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, but it shall not be necessary for any Vendor to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally or for any particular Purchase or Purchases as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Materials, &c. vested in the Commissioners.

XLVI. The Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for Paving, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the Commissioners or by their Order, or otherwise belonging to and used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions and to prefer and prosecute with effect any Bill or Bills of Indictment against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them the Commissioners or their Officers or other Persons acting under them in the Possession thereof.

Commissioners may cause Actions to be brought for Breach of Contract.

XLVII. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the Commissioners may cause an Action to be brought in any of

of Her Majesty's Courts of Law at Westminster against any such Contractor or Contractors for any Penalty contained in his Contract, and on Proof of the signing of the said Contract and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty when recovered shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract for such Sum of Money as the said Commissioners shall think proper.

Costs and such Sum as Jury may find to be paid to Person obtaining Judgment in lieu of Premises.

XLVIII. If any Proceedings shall be taken for the Recovery of the Possession of any Tenements or Hereditaments so purchased or taken for the Purposes of this Act, then within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises, there shall be paid or tendered to any Person so obtaining such Judgment in lieu of such Premises his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of the Act, or when Possession thereof was taken as aforesaid; and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises, and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act; and the said Tenements and Hereditaments, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, such Amount or Value being taken and accepted in lieu thereof.

Clause B. Commissioners to make good to Parishes of St. Margaret and St. John the Evangelist,

XLIX. And whereas by reason of taking the Tenements and Hereditaments, Ground and Buildings, mentioned in the First Schedule to this Act, and for the Purposes thereof, there may be Deficiencies in the Produce of the Assessments for the Relief of the Poor, and making certain Payments directed by Act of Parliament

Westminster, Deficiencies in Rates occasioned by taking Tenements.

liament to be made out of the Poor's Rate, as also in the Produce of other Assessments directed to be raised and levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor of the Parishes of Saint Margaret and Saint John the Evangelist, Westminster: And whereas the Rates of the said Parishes have been mortgaged and are now charged with and subject to the Repayment of certain Sums amounting in the aggregate to Forty-three thousand two hundred and four Pounds or thereabouts Principal Money, with Interest thereon, and which Charges it is calculated will be wholly paid off on or before the Twenty-fifth Day of December One thousand eight hundred and seventy-three, and it is expedient that Provision should be made for a Contribution for a limited Time by the said Commissioners in aid of the Poor Rates and other Rates to be raised and levied as herein-before mentioned: Be it enacted, That the said Commissioners shall, from and after the Twenty-ninth Day of September One thousand eight hundred and fifty-seven yearly, and every Year, until the Twenty-ninth Day of September One thousand eight hundred and seventy-three, by and out of such Monies as Parliament may from Time to Time place at their Disposal for that Purpose, pay and make good to the said Parishes such Sum or Sums of Money, not exceeding the Sum of Nine hundred Pounds per Annum, as shall be deficient in respect of the said Rates by reason or means of taking the Tenements, Hereditaments, Ground, and Buildings mentioned in the said First Schedule for the Purposes of this Act, such Deficiencies to be calculated and ascertained with reference to the Sum of Nine hundred and eighty-eight Pounds Seventeen Shillings and Ninepence, being the Amount actually collected for and in respect of such Rates made in the Year One thousand eight hundred and fifty-six in respect of Houses and Buildings which may be shut up or taken down or of Ground taken and used by the Commissioners for the Purposes of this Act, an Account of which Deficiencies shall from Time to Time be made out and delivered to the Commissioners, verified by the Collector or other proper Officer of the said Parishes, in such Manner and Form as the Commissioners shall direct, and no Payment shall be made until such Account has been delivered, duly verified, to the said Commissioners, and approved of by them or on their Behalf.

Clause C. When First Payment to be made.

L. The First Payment in respect of such Deficiencies so ascertained and verified as aforesaid to be made on the Twenty-ninth Day of September One thousand eight hundred and fifty-eight, and the Receipts of the Treasurer for the Time being of the said Parishes, or of the Collector for the Time being of the said Rates, shall be a a good and sufficient Discharge to the Commissioners for such Payment.

LI. No

LI. No Deed, Bond, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Deeds, &c. not liable to Stamp Duty.

LII. The Commissioners shall from Time to Time render and give an Account to the Commissioners for executing the Office of Lord High Treasurer of the Amount of all Monies which shall be received by the Commissioners for the Purposes or under the Authority of this Act, and of the Application of all such Monies, and the Commissioners for executing the Office of Lord High Treasurer shall be and they are hereby authorized and required to examine or cause to be examined every such Account, and in case they shall approve thereof to signify such their Approbation at the Foot of such Account signed by the said Commissioners for executing the Office of Lord High Treasurer, and to transmit and return the same so approved to the Commissioners; and every Account so approved and signed as aforesaid shall be a full and sufficient Discharge to the Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account and for the Expenditure and Application thereof, and the Commissioners shall not be compelled or compellable to give or render any further or other Account of any such Money or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to render an Account to the Treasury.

LIII. All Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Persons for giving false Evidence.

LIV. No Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for anything done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his,

Plaintiff not to recover without Notice or after Tender of Amends.

her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LV. Provided always, That no Action or Suit shall be brought or prosecuted against any Person or Body for anything done in pursuance of this Act after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may at his, her, or their Election plead specially or plead the General Issue and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant.

For protecting the Rights of the Commissioners of Sewers.

LVI. Provided always, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Metropolitan Board of Works in relation to Sewers.

Commissioners not to be personally liable.

LVII. Nothing in this Act or in any Deed or Instrument entered into or made by the Commissioners for the Purposes of this Act shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them,

them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the said Deed or Instrument contained on the Part of the same Commissioners or any of them, but the Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them, thereupon shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster-General.

LVIII. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Contracts made by First Commissioner of Works to be valid.

LIX. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid, shall be valid and shall be binding on the Commissioners as if the same had been under their Corporate Seal.

Deeds to be enrolled in the Court of Exchequer.

LX. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Tenements or Hereditaments by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof,

be as good and available in Law and of the like Force and Effect in all respects and to all Intents and Purposes as if the same or a Memorial thereof had been registered in the Office appointed for registering Deeds and other Conveyances of Land and Tenements in the County of Middlesex, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding. 5

Short Title.

LXI. It shall be sufficient for all Purposes to cite this Act as "The Public Offices Extension Act, 1857."

SCHE-

The FIRST SCHEDULE referred to in the foregoing Act.

THE PARISH OF SAINT MARGARET, IN THE CITY AND LIBERTY OF WESTMINSTER, IN THE COUNTY OF MIDDLESEX.

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Upper Crown Street.		
1	1	Dwelling House and Yard	Major-General Edward Pery Buckley.	Ann Gardner- -	Daniel Pudduck and his weekly Tenants.
2	2	Dwelling House and Yard			Charles Batten and his weekly Tenants.
3	3	Dwelling House and Yard		William Octavius Garstin - -	Joseph Crow and his weekly Tenants.
4	4	Dwelling House and Yard			Daniel Puddock and his weekly Tenants.
5	5	Dwelling House and Yard			William Bennett and his weekly Tenants.
6	6	Dwelling House, Beer-shop, and Yard.	The Dean and Chapter of Saint Peter, Westminster.	Eliza Fitzherbert Forssteen - -	Robert Fergusson and his weekly Tenants.
7	7	Dwelling House and Yard			William Findlay and his weekly Tenants.
8	8	Dwelling House and Yard			Rebecca Friend and her weekly Tenants.
9	9	Dwelling House and Yard			Robert Tyler and his weekly Tenants.
10	59	Dwelling House and Yard		Martha Gibbons, David Gibbons -	John Lindsey and his weekly Tenants.
11	58	Dwelling House and Yard			William Bramwell and his weekly Tenants.
12	55	Dwelling House and Yard		Martha Gibbons, David Gibbons, Jane White -	Jane White and her weekly Tenants.
13	12	Dwelling House, Shop, and Yard.			Jane White and her weekly Tenants.
14	- -	Public Street - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
			Crown Court.		
15	1	Dwelling House and Yard	Major-General Edward Pery Buckley.	Joseph Bowley -	Joseph Bowley and his weekly Tenants.
16	2	Dwelling House and Yard	The Dean and Chapter of Saint Peter, Westminster.	Martha Gibbons, David Gibbons.	Joseph Bowley and his weekly Tenants.
17	3	Dwelling House, Shop, and Yard.		Eliza Fitzherbert Forssteen.	George Sommers and his weekly Tenants.
18	4	Dwelling House and Yard	Major-General Edward Pery Buckley.	Joseph Bowley -	Joseph Bowley and his weekly Tenants.
19	- -	Public Way - - -	- - - - -	- - - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Lower Crown Street.		
20	13	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley, George Lucas.	George Lucas and his weekly Tenants.
21	14	Dwelling House and Yard		William Thomas Mackrell - -	George Lucas and his weekly Tenants.
22	15	Dwelling House and Yard			Mary Ann Thompson and her weekly Tenants.
23	16	Dwelling House and Yard			Samuel Pettifer and his weekly Tenants.
24	17	Dwelling House and Yard		John Henry Powell	John Henry Powell and his weekly Tenants.
25	18	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster, Henry Bishop Courtenay.		Alexander Paul and his weekly Tenants.
26	19	Dwelling House, Shop, and Yard.		William Jones -	William Jones and his weekly Tenants.
27	20	Dwelling House and Yard			Mary Ann King and her weekly Tenants.
28	21	Dwelling House and Yard			George Salmon and his weekly Tenants.
29	22	Dwelling House and Yard	The Dean and Chapter of St. Peter, Westminster, Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.		Edward Langley and his weekly Tenants.
30	- -	Public Street - - -	- - - - -	- - - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
			Charles Street.		
31	1	Dwelling House and Shop	- - -	Thomas White -	Thomas White.
32	2	Public House, called the "Northumberland Arms."	Letitia Rawlings.	John Lettsom Elliot, James Watney.	James Bishop.
33	3	Dwelling House and Shop			Edward Lee, George Lamb, and weekly Tenants.
34	4	Dwelling House and Shop			Martha Colebrook and her weekly Tenants.
35	5	Dwelling House and Shop	William Henry Lewer	- - - - -	Joseph Bowley.
36	6	Dwelling House and Shop			John Catton and his weekly Tenants.
37	7	Dwelling House and Shop		James Frederick Garrard.	James Frederick Garrard.
38	8	Dwelling House and Shop	Ann Gardner - -	- - - - -	Charles Thomas Henley.
39	9	Dwelling House and Shop		William Wright Larken.	William Wright Larken.
40	10	Dwelling House, Shop, and Yard.			Empty.
41	11	Dwelling House, Shop, and Yard.	Major General Edward Pery Buckley.	George James Yonge, Charles Crighton.	George James Yonge, Charles Crighton.
42	12	Dwelling House, Shop, and Yard.		Robert John Townsend	Robert John Townsend.
43	13	Dwelling House and Yard	Arthur Hyde Dendy	- - - - -	Arthur Hyde Dendy and his weekly Tenants.
44	14	Dwelling House, Shop, and Yard.	Major-General Edward Pery Buckley	Martin Steele - -	Henry Thomas and other weekly Tenants.
45	15	Dwelling House - -	John Edmund Gardner	- - - - -	Rebecca Lloyd and her weekly Tenants.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Charles Street—continued.			
46	16	Dwelling House, Shop, and Yard.	Major-General Edward Pery Buckley.	Martin Steele, John Cracklen.	John Cracklen and his weekly Tenants.
47	17	Dwelling House, Shop, and Yard.		Martin Steele - -	Martin Steele and his weekly Tenants.
48	18	Dwelling House and Shop		Charles Adkins -	Charles Adkins and his weekly Tenants, Alexander Stewart.
49	19	Dwelling House and Yard	Richard Brealey.		Empty.
50	20	Dwelling House and Yard		Thomas Fuller -	Thomas Fuller and his weekly Tenants.
51	21	Dwelling House and Yard		James Jackson -	James Jackson and his weekly Tenants.
52	22	Dwelling House and Yard		Thomas Hayward -	Thomas Hayward and his weekly Tenants.
53	23	Dwelling House and Yard		Peter Ballennie -	Peter Ballennie and his weekly Tenants.
54	24	Dwelling House and Yard	Major-General Edward Pery Buckley.	Robert Beckerson -	Robert Beckerson and his weekly Tenants.
55	25	Dwelling House and Yard			William Gregory and his weekly Tenants.
56	26	Dwelling House and Yard			Thomas Brockington and his weekly Tenants.
57	27	Dwelling House and Yard		Martin Steele - -	Richard Powell and his weekly Tenants.
58	28	Dwelling House and Yard		Charlotte Bartholomew, Charles Jones.	Charles Jones, London Association in aid of the Moravian Missions, Robert Webb, Secretary.
		Duke Street.			
60	6	Dwelling House and Offices	Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin.	William Barron, Thomas Smith.	William Barron, Thomas Smith.
61	7	Dwelling House, Offices, and Yard.		William Lee - -	William Lee.
62	8	Dwelling House, Offices, and Yard.		Emily Morrison -	Emily Morrison.
63	9	Dwelling House, Offices, and Yard.		William Yates Freebody.	William Yates Freebody, Robinson Wright, Alexander Comrie, James Graham.
64	13	Dwelling House, Offices, and Yard.		Joseph Locke, John Edward Errington.	Joseph Locke, John Edward Errington.
65	14	Dwelling House and Yard		Frederick Yates -	Frederick Yates.
66	15	Public Offices and Yard -		Sir Robert Gill, the Lords of the Admiralty.	The Lords of the Admiralty.
67	16	Public Offices and Yard -		The Commissioners of Her Majesty's Works and Public Buildings.	The Adjutant-General.
68	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Joseph Locke, John Edward Errington.	Joseph Locke, John Edward Errington.
69	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Frederick Yates.	Frederick Yates.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Duke Street—continued.			
70	- -	Garden Ground and Outbuildings.	The Crown.	Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Lords of the Admiralty.	The Lords of the Admiralty.
71	- -	Garden Ground and Outbuildings.		Caroline Molesworth, Reverend Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Commissioners of Her Majesty's Works and Public Buildings.	The Adjutant-General.
72	- -	Public Street - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Water Works Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, and the Public.
		Upper Charles Street.			
73	4	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	Thomas White -	Francis Roubiliac Conder, Thomas Smith Goode.
74	5	Dwelling House, Offices, and Yard.		Henry Thomas Anderson.	Henry Thomas Anderson, Edwin C——— Baines, Associated Institution for the Protection of Women, Henry Joseph Newman, Secretary.
		King Street.			
76	9	Dwelling House and Shop	The Commissioners of Her Majesty's Works and Public Buildings.	Christian Mitchell -	Christian Mitchell.
77	16*a*	Dwelling House and Shop	The Dean and Chapter of St. Peter, Westminster, Edmund Wood, Emily Askew Wood, Barclay Farquharson Watson.	John Christopher Cockerell.	George May.
78	16 and 23, Lower Crown Street.	Dwelling House and Shop			John Christopher Cockerell.
79	56	Dwelling House, Shop, and Yard.	Daniel Le Geyt, Catherine Le Geyt, Ellen Fairbone.	Charles Payne - -	Charles Payne.
	57	*See* No. 11, Parliament Street.			
80	58	Dwelling House - -	William Swinburne -	William Hughes Willshire.	William Hughes Willshire.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			King Street—continued.		
81	59	Dwelling House, Shop, and Yard.	John Edward Waring, Sarah Waring, Richard Henry Goolden, Katherine Goolden.	Henry Bingham -	Henry Bingham, and his weekly Tenants.
82	60	Dwelling House and Offices	The Commissioners of Her Majesty's Works and Public Buildings.	William Withall -	William Withall, Edward Ward Lower.
83	63	Dwelling House, Shop, and Yard.	Richard Whatley, John Stone, Elizabeth Wilmot Whatley.	- - - -	Frederick Green and his weekly Tenants.
84	64	Dwelling House, Offices, and Yard.	John Gibbard - -	James Bigg, Henry Arthur Hunt, Charles Stephenson, Richard Garrett.	Richard Garrett.
85	65	Dwelling House and Shop	The Commissioners of Her Majesty's Works and Public Buildings.	The Western Life Assurance Society, Arthur Scratchley, Secretary.	Samuel Morris.
86	66	Public Offices - - -			The Lords Commissioners of Her Majesty's Treasury.
87	- -	Public Street - - -	- - - -	- - - -	The Board of Works for the Westminster District, the Chelsea Waterworks Company, the Equitable Gas Company, the Chartered Gas Company, the London Gas Company, the Electric and International Telegraph Company, the Public.
			Whitehall.		
88	10	Public Offices - -	The Commissioners of Her Majesty's Works and Public Buildings.	- - - -	The Chief Secretary for Ireland.
			Parliament Street.		
89	1	Public Offices and Yard -	The Commissioners of Her Majesty's Works and Public Buildings.	- - - -	The Committee of Privy Council for Trade.
90	2	Public Offices and Yard -		- - - -	
91	3	Offices and Yard - -		Western Life Assurance Society (Arthur Scratchley, Secretary).	Western Life Assurance Society (Arthur Scratchley, Secretary), Thomas Greaves Barlow, James Abernethy.
92	4	Offices and Yard - -	John Gibbard - -	James Bigg, Henry Arthur Hunt, Charles Stephenson.	Henry Arthur Hunt, Charles Stephenson.
93	5	Dwelling House and Yard	Mary Neeld - -	Barnard Wight Holt	Barnard Wight Holt.
94	6	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	George Bradford Ellicombe.	James Dorington, George Bradford Ellicombe, Richard Rous Ellicombe, Charles Evan Thomas, Thomas Chaloner Smith.
95	7	Dwelling House, Offices, and Yard.		William Withall -	William Withall.
96	8	Dwelling House, Offices, and Yard.		John Bethell - -	John Bethell, William Richard Gritten, Rice Hopkins.

The Parish of St. Margaret—*continued.*

Number on Plan.	Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Parliament Street—continued.		
97	9	Dwelling House, Shop, and Yard.	John Edward Waring, Sarah Waring, Richard Henry Goolden, Katherine Goolden.	Henry Adams -	Henry Adams.
98	10	Dwelling House - -	William Swinburne -	William Hughes Willshire.	William Hughes Willshire.
99	11 and 57 King Street.	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	John Swarbreck Gregory, George Faulkner, George Burrow Gregory, Charles Fletcher Skirrow.	John Swarbreck Gregory, George Faulkner, George Burrow Gregory, Charles Fletcher Skirrow.
100	12	Dwelling House, Offices, Shop, and Yard.	John Wilkes, Ann Wilkes, Frederick Henry Gray, Elizabeth Gray, Lucy Thomas Stone Applebee, John I'Anson, Thomas Fox, Frederick Rowland	Frederick Rickards -	Frederick Rickards, Horatio Dain, Alfred Edward Robinson.
101	13	Dwelling House, Shop, and Yard.		William Field - -	William Field
102	14	Dwelling House, Offices, and Yard.	The Commissioners of Her Majesty's Works and Public Buildings.	Benjamin Priest, St. Barbe Sladen.	Benjamin Priest, St. Barbe Sladen.
			St. James's Park.		
103	- -	Steps or Way - -	The Crown - -	- - - -	The Public.
104	- -	South Parade - - -	The Crown - -	- - - -	The Public.
105	- -	Lawn - - - -	The Crown - -	- - - -	The Crown.

The SECOND SCHEDULE referred to in the foregoing Act.

Number on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Tenure.	Amount of apportioned annual Rent.
68	Garden Ground and Outbuildings.	The Crown	Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Joseph Locke, John Edward Errington.	John Locke, John Edward Errington.	Agreement for Lease for a Term of 30 Years from the 5th April 1857 at a Rent of 63*l.* per Annum apportioned.	£18
69	Ditto - -	Ditto -	Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, Frederick Yates.	Frederick Yates		£18
70	Ditto - -	Ditto -	Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Lords of the Admiralty.	The Lords of the Admiralty.		£27
71	Ditto - -	Ditto -	Caroline Molesworth, Rev. Ralph Colley Smith, Richard Hunter, Frederick Gwatkin, the Commissioners of Her Majesty's Works and Public Buildings.	The Adjutant General.	Lease (with other Property) to John Fraser and Ralph Colley Smith, Executors to the Will of General Buckley to April 5th, 1881.	£4. 15. 0.

Public Offices Extension.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make further Provision for enabling Commissioners of Her Majesty's Works acquire a Site for additional Offices for Public Service, near Whitehall and Her M jesty's Palace at Westminster.

(Prepared and brought in by Sir Benjamin Hall and Mr. Brand.)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1857.

[Bill 111.]

Under 6 *oz.*

9 *July* 1857. 20 & 21 Vict.

(Ireland.)

A

BILL

TO

Authorize the Commissioners of Public Works in Ireland to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District.

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, intituled "An Act to promote the Drainage of Lands "and Improvement of Navigation and Water Power in connexion "therewith in Ireland," which Act was amended by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-nine, and an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Four, and an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine, and by an Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty, and an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and ten, and an Act passed in the Session holden in the Preamble.

Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-two: And whereas under and by virtue of the Provisions of the said firstly-recited Act the said Commissioners are empowered to make and acquire new Sites of Mills and Factories and Water Power, and Premises connected therewith, and to sell the same, with such Rights of Pre-emption to the Owners of the Estates to which the said Sites originally belonged, or to the Owners of the adjoining Estates, as are therein provided, and the Purchase Monies of such Sites and Premises are directed to be applied to such Purposes as are therein set forth: And whereas the said Commissioners, in execution of the Works authorized by the said Acts, have been enabled within certain Districts to make and acquire various new Sites for Mills and Factories upon Parcels of Ground duly taken by them for that Purpose, by virtue of the Powers and Provisions relating to the taking of Lands by the said Commissioners in the said Acts contained, or acquired in the Progress of such Works, and the same and the Water Powers connected therewith have become vested in the said Commissioners for the Purposes aforesaid, and the said Commissioners may hereafter become entitled in like Manner to various other such Sites: And whereas it is not expedient that the making of any Final Award by the said Commissioners, under the Provisions of the said Acts or any of them, should be delayed by reason of the Inability of such Commissioners to sell such Sites and Water Power in connexion therewith, for such Prices as may be adequate to the Value thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 89. s. 86.

All Mill Sites to continue vested in the Commissioners, notwithstanding Final Award.

I. That in all Cases where, under and by virtue of the Provisions of the said Acts or any of them, any such Sites for Mills or Factories have been or shall be acquired by the said Commissioners in any District, either by the making of the same in the Progress of any Works, or by the taking of any Lands for that Purpose, the said Sites and all Water Powers connected therewith shall remain and continue vested in the said Commissioners, on trust to be sold, notwithstanding that such Commissioners may have made or may make any Final Award relating to the District wherein such Sites shall be situate, previously to any Sale by them of such Sites or Water Powers connected therewith as aforesaid.

Power to sell such Mill Sites after Final Award.

II. It shall be lawful for the said Commissioners, at any Time after the making of any such Final Award or Awards in any such District wherein such Sites are or shall be situate as aforesaid, or whether such Awards shall have been made before or after the passing of this Act, to sell and dispose of the said Site or Sites or Water Powers,

Powers, or other Premises connected therewith, for such Price or Prices as to them shall seem reasonable, and the Proceeds of any such Sale shall be disposed of as herein-after mentioned: Provided always, that the said Commissioners before they shall sell or dispose of any 5 of such Mill Sites or Water Powers as aforesaid shall first offer the same to the Person to whose Estate the same originally belonged (if any such Person there be), and then to the Person whose Estate shall adjoin thereto; and such Premises shall not be sold to any other Person at such Price as the Persons so entitled to a Preference shall 10 be willing to give for the same, or at any less Price.

Application of such Purchase Monies.

III. The Proceeds of the Sale of all such Sites, Water Powers, and Premises as shall be so sold after the making of any such Final Award as aforesaid shall by the said Commissioners be paid over to the Commissioners of Her Majesty's Treasury, to be applied by them 15 to any or either of the Purposes after mentioned; that is to say, in reimbursing to the said Commissioners of Her Majesty's Treasury the Monies expended on the District in connexion with which such Sites shall have been acquired, in Cases where the Amount chargeable on such District shall have been reduced, pursuant to 20 the Provisions of the Acts of the Sixteenth and Seventeenth of Her Majesty, Chapter One hundred and thirty, or Eighteenth and Nineteenth of Her Majesty, Chapter One hundred and ten; or in discharging an equivalent Amount of the Principal Monies chargeable on such District by virtue of any Final Award, in Cases where 25 no such Reduction shall have been made; and in Cases where such Portion of the Monies so chargeable shall be so discharged as last aforesaid, the said Commissioners of Public Works shall make such rateable Reduction of the Portions of such Amount charged by such Award, or such Alteration with respect to the Duration or Amount of 30 the Instalments payable under the same, as the said Commissioners of the Treasury shall think fit; and the said Commissioners of Public Works shall thereupon make a Supplemental Award in the Manner set forth in the said Act of the Sixteenth and Seventeenth of Her Majesty, Chapter One hundred and thirty, and to which Supplemental 35 Award all the Provisions and Enactments of the said lastly-mentioned Act shall be taken to apply: Provided always, that in case any Proprietor shall, under the Provisions of the said Acts, have paid off the whole of the Principal Monies charged upon his or her Lands by any such Award, he or she shall be entitled to the Benefit of any 40 Reduction so directed as aforesaid, and to be reimbursed accordingly.

Interpretation.

IV. The several Acts mentioned in this Act and this Act shall be construed as One Act, and the several Words and Expressions to which an extended Signification is given in the said Acts or any of

them shall have the like Signification in this Act, and (save when such Construction shall be inconsistent with the Context) the Expression "the Commissioners," when used in this Act, shall mean the Commissioners of Public Works in Ireland.

Public Works (Ireland).

A

BILL

To authorize the Commissioners of Public Works in Ireland to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1857.

[Bill 115.] *Under* 1 *oz.*

A

BILL

TO

Alter and amend the Act 17 and 18 Vict. c. 31. called "The Railway and Canal Traffic Act, 1854."

WHEREAS it is expedient to make better Provision for regulating the Traffic on Railways and Canals, and affording to Her Majesty's Subjects who may from Time to Time feel aggrieved by any existing Regulations of the Traffic on such Railways and Canals, or any Acts, Omissions, or Things done or sanctioned and allowed by any Railway or Canal Company, contrary to such Regulations for the Time being, such further and better Relief as is herein-after enacted: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That the Third Section of an Act passed in the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Queen Victoria, Chapter Thirty-one, intituled "An Act for the better Regulation of the Traffic on Railways and "Canals," may stand repealed, and in lieu and condition and by way of Amendment of the same that it may be enacted as follows: Section 3. of 17 & 18 Vict. c. 31. repealed.

 II. It

Parties complaining that reasonable Facilities for forwarding Traffic, &c. are withheld may apply by Motion or Summons to the Superior Courts.

II. It shall be lawful for any Company or Person complaining against any such Company or Companies of anything done, or of any Omission in Letter or Spirit in violation or contravention of this Act, to apply in a summary Way by Motion or Summons, in England to Her Majesty's Court of Common Pleas at Westminster, or in Ireland to any of Her Majesty's Superior Courts in Dublin, or in Scotland to the Court of Session in Scotland, as the Case may be, or to any Judge of any such Court, and such Courts shall, on Application as aforesaid, have full Power, Authority, and Jurisdiction to make such Orders thereon and take such further and other Proceedings in relation thereto as in this present Section is hereinafter enacted; also that it shall be lawful for any Company or Person complaining of being aggrieved by any Act, Omission, Matter, or Thing done or omitted by any Railway Company or Canal Company, in violation or contravention of this Act, to make Complaint thereof in Writing to the Railway Department of Her Majesty's Board of Trade at Westminster, and, if required by the said Board so to do, to adduce Evidence in support and confirmation of the Subject Matter of such Complaint or Complaints; and thereupon the said Board of Trade, or the proper Officer for the Time being appointed thereto, shall summons and require the Companies or Company against which such Complaint as aforesaid shall have been lodged to make Answer in Writing thereto, and either in the Presence of the Party complaining or not, and at such Time and Place as the said Board may by Notice in Writing require or direct; and in case no sufficient Answer shall have been made to such Complaint or Complaints, to the Satisfaction of the said Board of Trade, within a Time to be limited by the said Notice, touching the Matters complained of as aforesaid, the same being in violation of this Act, it shall be lawful thereupon for the said Board, and they are hereby required, at the Instance of the Company or Person aggrieved as aforesaid, to direct the Attorney General or Judge Advocate, as the Case may arise, to apply in a summary Manner by Motion or Summons, in England to Her said Majesty's Court of Common Pleas at Westminster, or in Ireland to any of Her Majesty's Superior Courts in Dublin, or in Scotland to the Court of Session in Scotland, or to any Judge of any such Court, in the Matter or Matters of such Complaint, who shall respectively have Jurisdiction and Authority to hear and determine the Matter of such Complaint, and for that Purpose, if such Court or Judge shall think fit, to direct and prosecute, in such Mode, and by such Engineers, Barristers, or other Persons, as they shall think proper, all such Inquiries as may be deemed necessary to enable such Court or Judge to form a just Judgment on the Matter of such Complaint; and if it be made to appear to such Court or Judge on such Hearing, or on the Report of any such Person, that anything has been done or Omission

Omission made, in violation or contravention of this Act, by such Company or Companies, it shall be lawful for such Court or Judge to issue a Writ of Injunction or Interdict, restraining such Company or Companies from further continuing such Violation or Contravention 5 of this Act, and enjoining Obedience to the same; and in case of Disobedience of any such Writ of Injunction or Interdict, it shall be lawful for such Court or Judge to order that a Writ or Writs of Attachment, or any other Process of such Court incident or applicable to Writs of Injunction or Interdict, shall issue against any One or more 10 of the Directors of any Company, or against any Owner, Lessee, Contractor, or other Person, failing to obey such Writ of Injunction or Interdict; and such Court or Judge may also, if they or he shall think fit, make an Order directing the Payment by any One or more of such Companies, of such Sum of Money as such Court or Judge 15 shall determine, not exceeding for each Company the Sum of Two hundred Pounds for every Day after a Day to be named in the Order that such Company or Companies shall fail to obey such Injunction or Interdict; and such Monies shall be payable, as the Court or Judge may direct, either to the Party complaining, or into Court 20 to abide the ultimate Decision of the Court, or to Her Majesty; and Payment thereof may, without Prejudice to any other Mode of recovering the same, be enforced by Attachment or Order in the Nature of a Writ of Execution, in like Manner as if the same had been recovered by Decree or Judgment in any Superior Court at Westminster 25 or Dublin in England or Ireland, or in Scotland by such Diligence as is competent on an extracted Decree of the Court of Session; and in any such Proceeding as aforesaid such Court or Judge may order and determine that all or any Costs thereof or therein incurred shall and may be paid by or to the one Party or the other, as such Court 30 or Judge shall think fit; and it shall be lawful for any such Engineer, Barrister, or other Person, if directed so to do by such Court or Judge, to receive Evidence on Oath relating to the Matter of any such Inquiry, and to administer such Oath.

III. All other the Sections and Provisions of the above-recited Act, 35 Seventeenth and Eighteenth Victoria, Chapter Thirty-one, except Section Three, hereby repealed, shall remain in full force and virtue, after and notwithstanding the passing of this Act, in Amendment of the same.

Act 17 & 18 Vict. c. 31., except Section 3., to remain in full Force.

Railway Traffic Act Amendment.

A

BILL

To alter and amend the Act 17 and 18 Vict. c. 31., called "The Railway and Canal Traffic Act, 1854."

(Prepared and brought in by Mr. Griffith and Sir William Russell.)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 78.]

Under 1 *oz.*

24 *July* 1857. 20 & 21 Vict.

(Ireland.)

A

BILL

TO

Enable Baronies and other Districts in Ireland to give Guarantees for the Construction of Railways passing through such Districts.

WHEREAS it is expedient to encourage the Formation of Railways in Ireland, by enabling the Ratepayers in any District through which such Railway is proposed to pass to guarantee, if they shall think fit so to do, a certain Amount of Revenue to be derived from such Railway: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows, (that is to say,):— Preamble.

I. In any Case in which any Company is now or shall be hereafter incorporated by Act of Parliament, with Powers to construct a Railway, such Company shall be deemed to be Promoters of such Railway, within the Meaning of this Act; and in any other Case any Company or Persons desirous of forming any Railway shall be deemed to be Promoters of such Railway, within the Meaning of this Act; "Ratepayer" shall mean any Person rated to the Relief of the Poor for Property situate within any Barony for which any Railway Sessions Interpretation Clause.

under this Act is held; "Secretary to the Lord Lieutenant" shall include the Chief or Under Secretary; "Guarantee Proposal" shall mean the Proposal desired by this Act to be submitted by the Promoters to the Lord Lieutenant; and "Railway Sessions" shall mean the Special Sessions authorized by this Act to be held. 5

Short Title of Act.

II. In citing this Act upon any Occasion whatever it shall be sufficient to cite it as "The Railway Guarantee Act, Ireland, 1857."

Memorial to be sent to Lord Lieutenant.

III. When the Promoters of any Railway shall be desirous of availing themselves of the Provisions of this Act, they shall present a Memorial to the Lord Lieutenant and Privy Council, praying that 10 this Act shall be put into operation as to such Railway in the County named in such Memorial.

Satement to be sent with Memorial.

IV. Such Memorial shall be accompanied by a Statement showing the estimated Cost of such Railway, the Advantages expected to be realized to the Public by its Construction, the expected Traffic and 15 Revenue, and all other Matters which such Promoters shall think material to show the Advantages of such Railway or the Expediency of such Guarantee.

And also Proposal.

V. There shall be also sent along with such Memorial a Statement, herein-after called the Guarantee Proposal, which Proposal shall 20 specify the Baronies and Districts which it is intended to include in the proposed Guarantee, the annual Amount, Commencement and Duration, and all other Particulars of such intended Guarantee, and any special Conditions which it is proposed to annex to the same; and such Proposal may include any One or more Baronies in the County, 25 and it may exclude from Contribution of the proposed Guarantee any particular District or Districts of any Barony, although the rest of such Barony may be included, and the Amount to be contributed by each Barony may be fixed according to the Advantages they are supposed respectively to receive; and such Proposal shall specify 30 clearly and distinctly the annual Amount proposed to be guaranteed by each Barony or District of each Barony included therein, and also the Amount in the Pound upon the Poor Law Valuation of the Liability intended to be cast upon each Barony and District, and such Proposal shall contain all Particulars necessary to be inserted in a 35 Presentment under this Act.

Lord Lieutenant to appoint Commissioner.

VI. The Lord Lieutenant and Council shall, upon Receipt of a Memorial complying with the Requisitions of this Act, appoint a fit and proper Person to be Commissioner to inquire into and report upon the Matter of the said Memorial and Proposal, and such Person 40 shall

shall conduct his Inquiries by visiting the Locality of the proposed Railway, and by Investigations made in such Locality, and by examining such Persons as he may think necessary, and by all such other Means as to him shall seem meet; and the Appointment of 5 such Commissioner, and also the Guarantee Proposal, shall be published in the Dublin Gazette.

Commissioner to report.

VII. Such Commissioner shall report to the Lord Lieutenant the Result of his Inquiries, and in such Report he shall state his Opinion as to the probable Cost of the proposed Railway, the Traffic and 10 Revenue that may be expected therefrom, the public Advantages that are likely to follow its Construction, and shall also state his Reasons for such Opinions, and all such other Matters as he may deem useful in enabling the Ratepayers to judge of the Expediency of granting the proposed Guarantee.

The Commissioner to report on Finance;

15 VIII. In case the Promoters of the Railway are a Company already incorporated, he shall also state all the Facts connected with the financial Position of such Company.

and on special Conditions and Propositions of Liability.

IX. He shall also state his Opinion upon any special Conditions which may have been contained in the Guarantee Proposal, and 20 shall suggest any other Conditions which he shall think useful or right, and he shall also state his Opinion as to the Proportions in which any of the Baronies or Districts mentioned in the said Proposal or any other Baronies or Districts should contribute to such Guarantee, having regard to the actual or prospective Advantages likely in 25 his Opinion to be realized to each of such Districts by the Construction of the Railway.

Expenses to be borne by Promoters.

X. All the Expenses of such Inquiry shall be borne by the Promoters, who shall deposit with the Paymaster of Civil Services in Ireland such Sum not exceeding
30 as may be required by the Secretary to the Lord Lieutenant to be so deposited.

Commissioner's Reports to be printed.

XI. So soon as such Commissioner shall have made his Report, the Proposal of the Promoters and such Report shall be printed, at the Expense of the Promoters, and such Number of Copies as the 35 Secretary to the Lord Lieutenant shall direct shall be deposited with the Clerk of the Peace of the County, for Distribution among the Ratepayers, and every Ratepayer shall be entitled to purchase the same at such Price as the Secretary shall direct.

Lord Lieutenant to issue

XII. The Lord Lieutenant shall thereupon, by Precept under the 40 Hand of his Secretary, direct the Clerk of the Peace to convene a

Precept for Railway Sessions.

Special Railway Presentment Sessions to be held for all the Baronies included in such Proposal, to consider the proposed Guarantee, as herein-after provided, and in such Precept he shall appoint a fit and convenient Place in any of the Baronies proposed to be affected by the Guarantee for holding such Meeting, and shall also fix a Day upon which such Meeting shall be held, and upon the Day and at the Place so appointed such Railway Sessions shall be held, at Twelve o'Clock at Noon.

Clerk of the Peace to give Notice.

XIII. Such Precept shall be published in the Dublin Gazette, and the Clerk of the Peace shall cause to be inserted in at least Two Papers (if so many there be) published in the said County, or in any County of a City within such County, a Notice of the Time and Place of holding such Sessions, and shall affix a printed Notice of the same upon the Doors of every Petty Sessions Court House within the Baronies for which such Special Sessions are called, and along with such Notice he shall print, publish, and post the Guarantee Proposal; and such Notices shall be so given at least *Ten* clear Days before the Day appointed for the Railway Sessions.

Persons entitled to attend Railway Sessions.

XIV. Such Railway Sessions shall be held for each and all the Baronies of which any Portion is proposed to be affected by the Guarantee Proposal; and the Persons entitled to attend and vote at such Railway Sessions shall be all Persons whose Names have been selected by the Grand Jury at the last preceding Assizes as Ratepayers to be associated with the Justices at Sessions within any of the Baronies for which such Special Sessions are held, and all Justices of the Peace for the County who are rated to the Relief of the Poor in respect of Property situate within any of the said Baronies.

Who shall be Chairman of Special Sessions.

XV. The Lord Lieutenant shall, by Warrant under the Hand of the Chief Secretary, directed to the Clerk of the Peace, appoint Three Magistrates of the County, some one of whom shall be the Chairman of such Railway Sessions; and the Person first named in such Warrant shall, if present at the Time of meeting, take the Chair and be Chairman of such Sessions, and if he shall not be then present the Person named second shall in like Manner take the Chair, and if neither of them be present the third, and in the Absence of all Three the Magistrate first named in the Commission of the Peace who shall be present shall take the Chair; and the same Order shall be observed at any Adjournment of such Sessions, but it shall be lawful for such Sessions at any Meeting to move such Person from the Chair, and appoint any other Chairman in his Stead: Provided also, that when the Lieutenant of the County shall be present at such Sessions he shall,

shall, if he shall so think fit, preside; provided, that in any Case in which the Person presiding at the First Meeting shall be present at the opening of any adjourned Sessions, he shall take the Chair of such adjourned Meeting.

Clerk of the Peace to attend Sessions.

XVI. The Clerk of the Peace, by himself or a sufficient Deputy duly appointed under his Hand, shall attend such Railway Sessions, and shall act as Registrar or Secretary to the same, and he shall for this Attendance be entitled to be paid by the Promoters for such Attendance a Sum of *Ten Guineas*, besides an Allowance of *One Shilling and Sixpence* for every Mile he shall travel to such Place of Meeting from his usual Place of Abode, and an additional Allowance of *Two Guineas* for every Day of an adjourned Meeting of such Sessions.

Sessions may adopt, reject, or modify Proposal;

XVII. The Persons assembled at such Railway Sessions shall have full Power to determine on the Proposal for such Guarantee, and either to adopt, reject, or modify the same, and to present that the said Baronies or any Portion of them shall guarantee an annual Amount of clear Revenue to be derived from the proposed Railway, and to fix any Time or from which such Guarantee shall commence, or to make the same dependent upon the opening of the Railway or upon any other Event, and also to fix the Period at which it shall cease, or to make either its Commencement or Termination contingent upon any Event.

and may annex Special Conditions;

XVIII. They shall also have Power to annex any special Conditions which they may think fit to such Guarantee, which are not inconsistent with this Act or with any Law now or herein-after in force.

and may define the Use to be made of such Guarantee;

XVII. They shall also have Power, if they shall so think fit, to limit and define the Use to be made of such Guarantee, by declaring that the same shall only be enforced for the Purpose of paying Interest upon Money to be borrowed by the Company, or of paying Dividends upon any Preference or Guaranteed Stock of the said Company, or by restricting in any other Manner they shall think fit the Purposes to which such Guarantee shall be applied.

and may direct that Three Directors may be nominated by Grand Jury of County;

XX. They may, if they shall so see fit, annex a Condition to such Guarantee that any Number not exceeding *Three* of the Directors of the Company shall be nominated by the Grand Jury of the County.

and may fix Proportion of such

XXI. They shall also have Power to fix the Proportions of such Guarantee to be borne by each Barony in such Manner as to them shall seem just, and to exempt from all Liability to such Guarantee any

Guarantee to be borne by each Barony;

any District or Districts of any Barony, so that the entire Liability imposed upon such Barony shall be borne by the remaining Districts of the same.

may refer Questions of Amount to Arbitration.

XX. They may also, if they shall so think fit, direct by such Presentment that the Amount to be contributed by each Barony shall be thereafter fixed by Arbitration, and they may in such Presentment name and appoint One, Two, or Three Persons to be such Arbitrator or Arbitrators, or they may present that such Arbitrator or Arbitrators shall be appointed by the next going Judges of Assize for the County, or by the Lord Lieutenant, or by the Lords of the Committee of Her Majesty's Most Honourable Privy Council for Trade and Plantations; and every such Presentment so referring the Amount of Contributions to Arbitration shall be good and valid.

When Presentment does not fix the Amount, Arbitration shall be by equable Assessment.

XXIII. Every Presentment for a Guarantee which shall not fix the Amount to be borne by each Barony, or which shall not refer the Question of such Amount to Arbitration, shall be deemed and taken to be a Presentment that all the Districts included in such Presentment shall be liable to contribute to such Guarantee by an equable Assessment upon the Poor Law Valuation throughout such Districts.

Sessions may adjourn from Time to Time.

XXIV. Such Railway Sessions may at any Stage of their Proceedings adjourn from Time to Time, and they may appoint any Committee to inquire and report upon any such Distribution of the Liability, or upon any Matters connected with such Guarantee, and in case of any such Adjournment the same Persons who were entitled to attend at the First Meeting of the Sessions shall be the Persons entitled to attend at such adjourned Meeting.

Guarantee not to exceed certain Amount.

XXV. No such Presentment for a Guarantee, nor any Award by Arbitration pursuant to the same, shall impose upon any Barony or District a Liability exceeding an annual Assessment of One Shilling in the Pound upon the Poor Law Valuation, nor shall any such Guarantee be granted for a Period longer than Twenty Years.

Presentment to be prepared and submitted for Adoption or Rejection of the Sessions.

XXVI. The Business at such Sessions shall commence by reading the Guarantee Proposal; and in case no Proposal shall be made to vary or alter the same, or to adjourn such Meeting for further Consideration, or any other Resolution moved inconsistent with the same, the Chairman shall direct a Presentment to be forthwith prepared by the Clerk of the Peace or his Deputy in accordance with such Guarantee Proposal, and shall submit such Presentment for the final Adoption or Rejection of the Sessions, as herein-after mentioned. All Questions arising at such Sessions, except the Question as to the final Adoption of such Presentment, shall be determined by a Majority

Majority of Votes; and the Chairman, in case of Equality, shall have a casting Vote; and in case any Proposal shall be made inconsistent with the Adoption of such Guarantee Proposal, the Chairman shall in the first instance take the Opinion of the Sessions as to the granting of a Guarantee; and in case it shall be resolved to grant such Guarantee, he shall put to the Meeting all such further Proposals as shall be duly moved and seconded relative to the same; and after such Proposals shall have been decided on by the Meeting, he shall direct the Clerk of the Peace or his Deputy to prepare a Presentment in accordance with the Resolutions so determined, and shall submit such Presentment for the final Adoption or Rejection of the Sessions.

No Presentment to be adopted unless Two Thirds of Meeting vote for it.

XXVII. No Presentment shall be finally adopted unless *Two Thirds* at least of the Persons present and entitled to vote shall vote for its Adoption.

Sessions may adjourn sine die.

XXVIII. At any Stage of the Proceedings an Adjournment *sine die* may be moved; and in the event of such Motion being carried by a Majority, or the Resolution to grant a Guarantee being rejected, or the Presentment, when submitted to the Meeting, not being adopted by *Two Thirds* of those present, no further Proceedings shall be had on such Guarantee Proposal, nor shall any new Proceedings be taken to obtain such Guarantee for a Period of *Three Years*, except, upon special Application to the Lord Lieutenant and Privy Council, they should see fit, upon special Grounds, to permit another Memorial to be presented to them within that Period.

Form of Presentment.

XXIX. Every such Presentment may be drawn up in accordance with the Forms annexed to this Act, or in such other Form as may be fit; and no Presentment under this Act shall be deemed invalid or defective from any Want of Form, provided all Matters of Substance be included in the same.

Expenses borne by Promoters.

XXX. The Expense of all Notices and Publications directed to be given shall be borne by the Promoters; and the Clerk of the Peace shall be further paid a Fee of *Twenty Guineas* for his own Trouble, exclusive of the Remuneration herein-before provided for attending the Sessions, and preparing the Presentment, if the same shall be required.

No Objection that Presentment not in accordance with previous Resolutions.

XXXI. After any Presentment shall have been so adopted by *Two Thirds* of the Persons present, no Question shall ever be raised whether the same was in accordance with any previous Resolutions, nor shall it be necessary that any such previous Resolutions should be passed,

passed, but if it shall so seem fit to the Meeting, a Presentment may at once be drawn up and submitted.

No one except Voters entitled to speak.

XXXII. No Person, except those entitled to vote at such Sessions, shall be permitted to speak, without the special Permission of the Sessions, on a Resolution put from the Chair, and carried by a Majority of Votes. 5

Presentment to be kept by Clerk of the Peace.

XXXIII. The Presentment adopted at any such Sessions shall be kept by the Clerk of the Peace at his Office, and a Copy of the same shall be affixed to the Door of the County Court House, and also published in at least One Paper circulating in the County; and such Presentment shall, on the Day of the opening of the Commission at the next Assizes, be handed over by him to the Clerk of the Crown. 10

Presentment to be submitted to Grand Jury.

XXXIV. In case such Presentment shall have passed *Twenty-one* clear Days before the Day appointed for opening the Commission, such Presentment shall be submitted, as herein-after mentioned, to the Grand Jury at the next Assizes for the County, but if not, then at the next subsequent Assizes. 15

Judge to refer Presentment to Grand Jury.

XXXV. The Judge presiding in the Crown Court shall, at such early Time as he shall appoint, enter upon the Matter of the said Presentment, and shall hear Counsel for the Promoters and for any Ratepayer opposing the same; and in case it shall be proved to his Satisfaction that the Requisitions of this Act have been complied with, and that such Presentment was duly adopted under this Act, he shall make an Order referring such Presentment to the Grand Jury, and such Order shall be for all Purposes final and conclusive as to the Compliance with the Provisions of this Act: Provided always, that the Precept of the Lord Lieutenant to the Clerk of the Peace, directing him to convene the Railway Sessions, shall, upon the Hearing before the said Judge, and upon all other Occasions, and for all Purposes whatever, be conclusive Evidence that such Precept has been duly and properly issued in accordance with the Provisions of this Act, and that all the Requisitions of this Act previous to the issuing of the Precept were complied with. 20 25 30

Grand Jury to reject or accept the same.

XXXVI. The Grand Jury shall thereupon, in the same Manner as they discharge the fiscal Business of the County, proceed to inquire into such Presentment, and shall either adopt or reject the same by a Majority of Votes. 35

On Memorial of One Third

XXXVII. Provided always, That any Ratepayers may memorial the Grand Jury against the Presentment; and in case it shall be proved to

to the Satisfaction of the Grand Jury that such Memorial is signed by Persons who in Number amount to *One Third* of the Ratepayers within the District made liable to such Guarantee, and whose aggregate Ratings also represent *One Third* of the entire Rating of such Districts, they shall without further Inquiry reject such Presentment; but no such Memorial shall be received later than the Day upon which the Commission shall be opened for the County; and every such Memorial shall be presented to the Clerk of the Crown in open Court while the Court is sitting; and upon the Examination of such Memorial it shall be lawful for the Promoters, as well as for any Ratepayer who has signed such Memorial, to appear by Counsel before the Grand Jury.

If One Third of Ratepayers oppose, Grand Jury shall reject Presentment.

XXXVIII. Any Ratepayer may, upon the First Day of the Assizes, enter a Traverse against such Presentment, on the Ground of Inutility; and if after such Traverse the Grand Jury shall find such Presentment the Judge shall direct such Traverse to be tried by a Jury selected from the Special Panel, and such Trial shall be conducted in all respects as ordinary Trials at Nisi Prius, and the Promoters shall be Plaintiffs, and the Person traversing such Presentment Defendant, at such Trial; and the Judge presiding at such Trial shall have all Powers of a Court of Record in summoning Witnesses and Jurors, and punishing same for Contempt, and shall in all other respects exercise all the Power and Authority of a Judge when presiding at a Trial at Nisi Prius.

Presentment may be traversed and Traverse tried.

XXXIX. The Issue sent to the Jury shall be, "whehe r the Construction of the proposed Railway would be of public Advantage "equal to the proposed Risk imposed by such Presentment upon the "Ratepayers;" and if the Jury shall find such Issue in the Negative no further Proceeding shall be taken on such Presentment.

Issue to be sent to the Jury.

XL. If no such Traverse be taken, or if the Jury find such Question in the Affirmative, the Judge shall thereupon fiat such Presentment, and a Record of the same, and of all the Proceedings, shall be drawn up by the Clerk of the Crown, and kept by him among the Records of the County, and such Presentment shall from thenceforth be deemed good and valid, and effectual in Law, to all Intents and Purposes whatever.

Judge shall fiat Presentment.

XLI. In case the Jury disagree upon the Trial of any such Issue, it shall be lawful for the Judge to order another Jury to be forthwith impannelled for the Trial of such Issue, or to respite the Presentment and Proceedings thereupon to the next ensuing Assizes.

Traverse to be again tried if Jury disagree.

Traverse may be withdrawn.

XLII. The Person or Persons who have entered such Traverse may at any Time withdraw the same, and thereupon the Judge shall deal with such Presentment as if no such Traverse had been entered; and in case that more than One Traverse shall be entered, the Judge may make such Order as to consolidating the same as shall be just. 5

Presentment complete although containing Reference to Arbitration.

XLIII. Every such Presentment, from the Time it is fiated by the Judge, shall be deemed final and complete in itself, although it contains a Provision referring the Settlement of the Amount of Contributions by different Baronies to Arbitration, and from the Time such Presentment is so fiated it shall be deemed and taken to be to all 10 Intents and Purposes a Presentment not fixing the Amount to be borne by each Barony, unless and until an Award is made varying the same.

Provision of Arbitration.

XLIV. The Arbitrators to whom such Question is referred by any Presentment may make their Award at any Time after the fiating of 15 such Presentment; and in case no such Arbitrator shall be appointed by any Person or Persons to whom such Appointment is referred, or in case any of such Arbitrators, whether named in the Presentment or appointed, shall die, or become incapable of acting, or in case no Award shall be made within *Six* Months from the fiating of the 20 Presentment, the Lord Lieutenant shall, upon the Application of any Ratepayer, appoint an Arbitrator, who shall forthwith proceed to make such Award, fixing the Proportions of such Contributions.

Award to be deposited in County Records.

XLV. Such Award shall be under the Hand and Seal of the Arbitrator or Arbitrators, and shall be deposited with the original 25 Presentment among the Records of the County, and from thenceforth the Proportions of Contributions settled by such Award shall be deemed to be a Part of the original Presentment.

Form of Award.

XLVI. The Award may be in the Form to this Act annexed, or such other Form as the Arbitrators may think fit. 30

To whom Amount secured by Presentment shall be final.

XLVII. When the Promoters are a Company already incorporated, with Power to make the Railway, the Amount secured by such Guarantee shall be payable to such Company, under the Circumstances herein-after provided, and pursuant to the Provisions of this Act: In any other Case it shall be in like Manner payable to any 35 Company that may be thereafter empowered to construct such Railway, and that may by their Special Act be authorized to act on such Guarantee; but no such Guarantee shall be so acted on by any Company that shall not be incorporated within *Three* Years after the fiating of the Presentment of such Guarantee. 40

LXVII. So

XLVIII. So soon as any Railway Company shall have obtained or be authorized to act on any Presentment of a Guarantee under this Act, it shall be lawful for the Lord Lieutenant of Ireland, and he is hereby authorized and required, from Time to Time to appoint a fit and proper Person or fit and proper Persons (not exceeding *Three* in Number) as Auditor or Auditors, to audit the Accounts of the said Company, and to make Certificates, in pursuance of the Directions herein-after contained; and it shall and may be lawful to and for the Lord Lieutenant from Time to Time to revoke the Appointment of such Auditor or Auditors, or any of them, and such Auditor or Auditors from Time to Time to remove, and his or their Powers and Authorities to revoke, and any other Person or Persons in the Place of such Person or Persons so displaced, or of any Person dying, to appoint, with the same Powers or Authorities; and the said Company shall pay to each of the Auditors so appointed such a Sum for his Trouble in making such Audit and in relation thereto as the Secretary to the Lord Lieutenant shall from Time to Time fix and determine.

Commissioners of Railways to appoint Auditors of Company's Accounts.

XLIX. For the Purpose of ascertaining the Amount of net Profits (if any) of the said Railway, the said Company shall, from Time to Time and at all Times, and within *One Calendar Month* after the Thirtieth Day of June and the Thirty-first Day of December in every Year, make out or cause to be made out, and rendered to the said Auditor or Auditors, a full, true, and distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway and every Part thereof, which Account the said Auditor or Auditors shall and he or they is and are hereby authorized and empowered to examine with the Documents and Vouchers evidencing the same (which Documents and Vouchers, and all Books, Papers, and Accounts in the Custody or Control of the said Company relating to the Business of the said Company, shall, upon the Request of the said Auditor or Auditors, be forthwith produced by the said Company to such Auditor or Auditors, who shall be at liberty to examine the same; and for the Purpose of judging the Accuracy of such Account such Auditor or Auditors shall and may and he and they is and are hereby empowered to examine all the Accounts of the said Company, which said Accounts, and the Vouchers relating to the same, the said Company are hereby directed to keep and produce, during such Time as aforesaid, as the said Auditor or Auditors shall direct; and such Auditor or Auditors shall adjust and balance such Accounts, and as to all other Matters relating to the said Accounts, or what shall be considered as Profit, their Decision shall in all respects be final and conclusive on all Parties.

Company to keep Accounts.

In estimating Profits, working Expenses not to be allowed at more than 75*l.* per Cent. of gross Receipts.

L. In estimating the Profit of such Company the Auditor shall not allow for working Expenses any greater Allowance or Deduction than *Seventy-five Pounds* from every Hundred Pounds of the gross Receipts, even although it should appear that a greater Sum has been actually expended; and in taking such Account no Interest on Capital or on borrowed Money shall be taken into account as Profit or loss, but the same shall solely contain the Amount of Income and Expenditure relating to the aforesaid Railway.

Presentment may fix Proportion of working Expenses.

LI. In case the Presentment shall contain a special Condition fixing a lower Proportion of the Receipts as the Limit to be calculated on the Amount of working Expenses, the Auditors shall in their Account allow only the Proportion fixed by such Presentment.

Auditors shall certify Deficiency.

LII. The Auditor or Auditors shall, after such Examination, in case they shall find that the Profit realized during such Half Year has fallen short of the Sum guaranteed by the Presentment, by Certificate under their Hands certify the same, and the Amount of Profit (if any) appearing on such Account as aforesaid.

Auditors to certify special Purpose.

LIII. In any Case in which by the Terms of the Presentment the Guarantee is limited to pay Interest on borrowed Money, or Dividend, or Preference Shares, or to any other particular Purpose, the Auditors shall also certify the Sum, if any, required to meet such special Purpose.

Auditors to strike Balance.

LIV. In every Case their Certificate shall state the entire Sum required for the Purposes of the Guarantee, as defined by the Presentment, and after deducting the Profit, if any, as previously ascertained, shall strike a Balance, and state the Sum required to be made good, in accordance with the Terms of the Guarantee and Presentment.

Auditors to deliver Certificates to Company.

LV. The said Auditor or Auditors shall, on the Request of the said Company, and within *One Calendar Month* after the Date of every such Certificate, deliver the said Certificate and a Duplicate or Duplicates thereof to the said Company.

Sums mentioned in Auditors Certificates to be presented by Grand Jury, and paid by Treasurer.

LVI. The said Company shall from Time to Time deliver such Certificate or such Duplicate thereof as aforesaid to the Secretary of the Grand Jury of the County in which any such Barony or Portion of a Barony as aforesaid shall be situate; and each Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of such County at the Assizes next after he shall have received the same; and it shall be lawful for such Grand Jury and they

they are hereby required from Time to Time, and without Application to Presentment Sessions, to present the Sum mentioned in every such Certificate, and to assess and apportion the said Sum upon the several Baronies or Portions of Baronies liable to the same, in 5 accordance with the Provisions of the said Presentment, and of any Award made in pursuance of the same, and the same shall be raised and levied accordingly, together with and in like Manner and subject to the Provisions as other Monies presented by such Grand Jury at the same Assizes are raised and levied; and the Treasurer of such 10 County, out of the first Monies collected and remaining in his Hands, after Repayment of Government Advances, Gaol Expenses, and Salaries of public Officers payable by him, shall pay the Sum so presented by the Grand Jury unto the said Company, or in such other Manner as the said Company shall direct; and if the Grand 15 Jury shall fail to present the Sum or any Part thereof contained in any such Certificate relating to such County, Barony, or Portion of a Barony, the Treasurer of such County shall and he is hereby required to insert such Sum, or such omitted Part thereof, in his Warrant for raising the Monies presented at the same Assizes, as if 20 such Sum had been duly presented by such Grand Jury, to be raised in manner herein-before mentioned off the respective Baronies and Portions of Baronies chargeable therewith as aforesaid, and the same shall be raised and levied off such Barony or Portion of a Barony accordingly, as if the same had been so presented; and the said 25 Treasurer shall pay over the Amount, when by him received, as herein-before provided, as if such Money had been presented by such Grand Jury.

Condition of Bonds by Collectors of Grand Jury Cess.

LVII. The Condition of every Bond of a Collector of Grand Jury Cess within any such County, to be thereafter given or executed by 30 way of Security for duly collecting and paying public Money, shall contain a Condition for his duly collecting, and paying to the Treasurer of the County in which Collector shall act, on or before each next succeeding Assizes, all such Money as he shall from Time to Time be authorized to levy under this Act, and such Bond shall 35 be subject to all the Provisions now applicable to Bonds given or executed by Collectors of Grand Jury Cess.

Remuneration to Collector to be presented by Grand Jury.

LVIII. The Grand Jury of the County in which any such Presentment shall be made as aforesaid shall also present such Sum of Money to be levied off any such Barony or Portion of a Barony as aforesaid, to 40 be paid to any such Collector as aforesaid, for his Remuneration in the Collection of such Assessment, as is payable in the Case of the Collection of Grand Jury Cess.

In a certain Event the Baronies or Portions of Baronies to be recompensed out of the Profits of the Undertaking.

LIX. If at any Time before the Expiration of the Time limited for the Guarantee it shall appear to the said Auditor or Auditors that the net Profits of the Company in any Year ending on the Thirty-first Day of December within *Five* Years from any Period of which any such Payment as aforesaid shall have been made shall have amounted to such a Sum as to leave a Surplus, after deducting a Sum sufficient to pay the Interest for that Year upon the then existing Mortgage or Bond Debt of the Company, and also after deducting a Sum sufficient for paying to the Shareholders a Dividend at the Rate of *Four Pounds* per Centum per Annum on the then paid-up Capital of the Company, the said Auditor or Auditors shall and he or they is or are hereby required forthwith to certify such Fact by Writing under his or their Hand or Hands, stating the Amount of any such Surplus, to each of the Treasurers for the Time being of the said Counties, and thereupon the said Treasurers shall be entitled to receive from the Company the said Surplus to an Extent not exceeding the aggregate Amount of Payments made by the Baronies or Portions of Baronies in their respective Counties since the Guarantee; and if any Payment shall have been made under the Provisions of this Act by the said Baronies or Portions of Baronies, during the said Period of the Guarantee, then, after the Expiration of the said Guarantee, whenever it shall appear to the said Auditor or Auditors that the net Profits of the Company in any Year ending on the Thirty-first Day of December shall have amounted to such a Sum as to leave a Surplus, after deducting *Five thousand Pounds* for the Use of the Company, the said Auditor or Auditors shall and he or they is or are hereby required to certify such last-mentioned Fact by Writing under his or their Hand or Hands, stating the Amount of any such last-mentioned Surplus, to the Treasurer for the Time being of the County, and thereupon the said Treasurer shall be entitled to receive from the Company such Surplus, to an Extent not exceeding the Sum of *Five hundred Pounds*, as a Rentcharge upon the Undertaking of the Company; and the said Treasurers shall apply the Sums so received by them in aid of the County Cess upon the Baronies or Portions of Baronies within their respective Counties which shall have made such Payments, in such Proportion as the aggregate Amount which shall have been paid during the aforesaid Period by each Barony or Portion of a Barony shall bear to the aggregate Amount which shall have been paid during the same Period by the Baronies or Portions of Baronies within the County in which such Baronies or Portions of Baronies are included.

Auditors to deliver a Certificate to the Trea-

LX. The Auditor or Auditors shall, within *One Month* from the Time at which he or they shall have certified as aforesaid to the Treasurers of the said Counties, deliver to the said Treasurers a Certi-

Certificate in Writing under his or their Hands, stating what Proportion of the said Surplus the Treasurer to whom such Certificate shall be given is (by virtue of the last preceding Enactment) entitled to receive; and the said Treasurers shall be entitled, on Demand, to receive from the Company the Amount mentioned in such Certificate, and in default of Payment on Demand, to recover the same, with full Costs of Suit, by Action of Debt or on the Case in any Court of competent Jurisdiction; and in any such Action the Treasurer for the Time being of either of the said Counties shall be the nominal Plaintiff, and as such entitled to sue on behalf of the County for which he may be the Treasurer; and no such Proceeding shall abate or be discontinued by reason of the Death, Removal, or Resignation of any such Treasurer, but shall continue and proceed in the Name of any Treasurer from Time to Time appointed in the Stead of any such Treasurer who may die, be removed from or resign his Office, upon entering a Suggestion for that Purpose, by Leave of the Court in which any such Proceeding may be pending.

surer of each County, stating what Proportion of the Surplus each such Treasurer is entitled to receive.

LXI. After the Expiration of the Time limited for the Guarantee, no further Payment to the Company shall be made by the said Baronies or Portions of Baronies, or any of them; and from and after the Expiration of that Period all the Powers of this Act which relate to the Payments to be made by and the Rates to be levied upon the Baronies and Portions of Baronies shall cease and determine.

No Payment to be made by the Baronies after the Expiration of Twenty-three Years from the passing of the Act.

LXII. In any Case in which the Presentment for the Guarantee shall authorize or require the Election of Directors by the Grand Jury, the Grand Jury shall, at the First Assizes after the obtaining of Guarantee, in the Case of any Company previously incorporated, nominate and appoint a Person or Persons to be a Director or Directors of the said Company, in accordance with the Presentment: When there is no Company incorporated at the Time of the Presentment, the Grand Jury shall, at the First Assizes after the passing of any Act authorizing any Company to act on the Guarantee, in like Manner elect a Director or Directors, in accordance with the Provisions of the Presentment, and such Directors shall be in addition to any Directors authorized by the Special Act or any Statute.

Grand Jury to elect Directors.

LXIII. Such Directors elected by the Grand Jury shall continue in Office until the next Election of Directors by the Grand Jury, and at the corresponding Assizes in every Year the Grand Jury shall either re-elect the same Person or Persons, or nominate some other Person or Persons to be Director or Directors of the said Company; and

Directors elected by Grand Jury need not be qualified.

and it shall not be necessary that the Persons so appointed shall be qualified by holding Stock in the Company, and the Persons so appointed shall exercise all the Powers of Directors, and be deemed and taken to be Directors to all Intents and Purposes as fully and effectually as the Directors elected by the Shareholders. 5

Two or more Counties may join in Guarantee.

LXIV. In any Case in which a Railway shall be proposed to run through Two or more Counties, and in which the Promoters shall desire to obtain a Guarantee from Districts in more than One of the Counties, Proceedings shall be adopted under this Act separately for each County; but in case different Counties shall give separate 10 Guarantees for the same Railway, any Deficiency shall be divided by the Auditor between the Counties in proportion to the Amount respectively guaranteed; and the Certificates and all other Proceedings shall be framed accordingly, but no County shall be liable to any greater Sum than that which is contained in the Presentment passed 15 by the Grand Jury of such County.

Presentment may be conditional on other Counties joining.

LXV. In any such Case in which a Railway shall be proposed through more than One County, it shall be lawful for the Persons assembled at any Presentment Sessions for any of such Counties to guarantee a certain Amount of Revenue from the entire of such Railway, and 20 such Presentment may be made conditional upon a Guarantee or Guarantees to any specific Amount being given by any other County or Counties through which such Railway is proposed to run; and in case of any such conditional Presentment it shall not be in force unless and until such other Presentments as are mentioned in the Conditions 25 from any other County or Counties shall be obtained and fiated; but it shall be lawful for any Special Session under this Act to give in every Case an unconditional Guarantee, if they shall so think fit.

SCHE-

SCHEDULE (A.)

Forms of Presentment.

FORM No. 1.

County of Galway:

Be it remembered, That at a Special Railway Presentment Sessions for the Baronies of
duly held at Ballinasloe on the 15th Day of July 1857, under the Provisions of the Railway Guarantee Act, Ireland, 1857, [and thence continued by Adjournment to the 1st Day of July 1857], it was on the said Day of by the Justices and Cess-payers then and there assembled, duly presented as follows; that is to say, That whereas the Athlone and Galway Railway Company are empowered to construct a Railway from the Town of Athlone to the Town of Galway, there shall be and hereby is guaranteed to the said Company that said Railway shall produce a clear yearly Revenue of not less than 5,000*l.* a Year, and such Guarantee shall commence and take effect from the Day upon which the Board of Trade shall certify that the entire of such Railway is opened for public Traffic, and shall be in force for [15] Years from the Date of such Certificate, and such Guarantee shall be made good by the Baronies of in proportion to the relative Value of the Property rated to the Relief of the Poor in each of such Baronies.

Signature of Clerk of the Peace.

Signature of Chairman.

FORM No. 2.

[*Commencement as in Form No.* 1.]

It was duly presented as follows; that is to say, That in case any Company shall be incorporated by Special Act of Parliament to construct a Railway from the Town of to the Town of , and shall be empowered by such Special Act to make use of this Guarantee, there shall be and hereby is guaranteed to the said Company that such Railway shall produce a clear yearly Revenue of not less than 5,000*l.* a Year; and such Guarantee shall commence and take effect from the Day upon which the Board of Trade shall certify that the entire of such Railway is open for public Traffic, and such Guarantee shall be in force for Twenty Years from the Date of such Certificate; and such Guarantee shall be made good by the Baronies of A., B., and C., in the Proportions following;

(that is to say,) by the Barony of A. 2,000*l.*, by the Barony of B. 2,500*l.*, by the Barony of C. 500*l.*; but the following Districts in the said Baronies shall be exempted from any Contributions to such Guarantee; that is to say, in the Barony of A. the Parish of East Vale; in the Barony of B. the Townlands of Fahan and Emly; and in the Barony of C. the Parishes of Cloghan and Sutton, and the Townlands of Ballimena and Cherrywood.

FORM 3.

Form of Reference to Arbitrator.

[*As in last Form to Asterisk.*]

Such Guarantee shall be made good by the Baronies of A., B., and C., and the several Districts within such Baronies respectively, in such Proportions as James Wilson, Esquire, of Bakewell, and Sir Robert James, of Durrow Castle, Baronet, hereby named as Arbitrators, may, by Writing under their Hands and Seals, direct and appoint [*or* as may be settled and defined by any *One* Arbitrator to be appointed by the next going Judges of Assizes for this County] [*or* the Lord Lieutenant] [*or* the Lords of Her Majesty's Most Honourable Privy Council in England for Trade and Plantations], according to the Provisions of the Railway Guarantee Act, Ireland, 1857 [but no Contribution shall be made to such Guarantee by any of the Districts herein-after mentioned; that is to say, in the Barony of A., the Townlands of E. and H.]

Forms of Special Provisions.

FORM No. 4.

Provided, That the Grand Jury of the County of Galway shall elect, according to the Provisions of the said Act, Two Persons to be Directors of the said Railway Company.

Form No. 5.

Provided, That such a Guarantee shall never be used or enforced for the Purpose of securing a Dividend upon any of the [ordinary] Stock or Capital of the said Company, but only for the Purpose of paying Interest upon Money hereafter to be borrowed by the said Company, in case the ordinary Profits of the Railway shall be insufficient to pay such Interest, and only to the Extent of making good such Deficiency [*or* of providing for any Deficiency in the Dividend upon the Preference Stock of the Company].

Provided, That such Guarantee shall only take effect and come in force in case a Guarantee to the Extent of 5,000*l.* annually shall be given by the County of , or by some Districts or Baronies in the said County.

FORM 6.

Provided, That this Guarantee shall not take effect unless the entire of such Railway [*or* the Portion of such Railway between the Towns of and] shall be opened for public Traffic within Two Years from the Day upon which this Presentment shall be confirmed.

FORM 7.

Provided, That in estimating the Profit and Loss of such Railway no greater Amount than 58 per Cent. of the Receipts shall in any event be allowed for working Expenses.

SCHEDULE B.

FORM OF AWARD.

We, the Arbitrators appointed in pursuance of a Presentment passed at a Railway Assizes held for the Baronies of A., B., and C., in the County of Clare, whereby a Sum of 5,000*l.* was guaranteed as annual Revenue [to the Ennis and Kilrush Railway Company], [*or* to any Company authorized to construct a Railway from Ennis to Kilrush], do hereby award and determine that the several Baronies aforesaid shall contribute to the said Guarantee in the following Proportions; that is to say, the Barony of A., 1,000*l.*; the Barony of B., 1,000*l* ; and the Barony of C., 3,000*l.*; and we do further award that the Parishes of Hanwell and Sutton, in the Barony of A., shall be exempt from any Contribution to such Guarantee, and that in the Barony of A., of the Sum of 1,000*l.* to be borne by such Barony, a Sum of 500*l.* shall be borne by the Parish of A.

Given under our Hands, this Day of ..

Railways (Ireland).

A

BILL

To enable Baronies and other Districts in Ireland to give Guarantees for the Construction of Railways passing through such Districts.

(Prepared and brought in by Mr. Butt and Mr. Beamish.)

Ordered, by The House of Commons, *to be Printed,* 24 *July* 1857.

[Bill 158]

Under 3 oz.

9 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Promote the Establishment and Extension of Reformatory Schools in England.

FOR promoting the Establishment and Extension of Reformatory Schools in England, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions, or at any Adjournment thereof, or for the Council of any Borough having a separate Court of Sessions of the Peace, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders already established, in whole or in part, by voluntary Contributions, or of the Promoters of a Reformatory School intended to be so established, to grant Money in aid of such Reformatory School, or of the Establishment thereof, subject to such Conditions as to the Management and Visitation of such School, and the Reception of Juvenile Offenders from the County or Borough, as the Justices or Council may think fit. Justices of a County or Council of Borough Sessions may grant Money in aid of Reformatory Schools.

II. With the Notice required by Law of the Time of holding any such General or Quarter Session, or Adjournment thereof, Notice shall be Notice of the proposed Grant to be given.

be given of the Day on which any Resolution for granting Money under this Act is to be considered, and the Clerk of the Peace of the County shall give such Notice as last mentioned, on the Requisition of any *Five* Justices acting for such County; and every such Resolution for a Grant by the Council of any Borough shall be made at a Special Meeting of such Council to be called for that Purpose.

Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.

III. The Money granted under this Act in aid of a Reformatory School shall be applicable to the following Purposes; viz.

Towards defraying the Expenses of purchasing the Site of a School on its first Establishment, or the Site of any Extension or new Establishment for the Purposes of a School already established, or the Expenses of building or fitting up a School on its first Establishment, or erecting, altering, or enlarging or fitting up any Buildings for the Extension or Improvement of a School already established; and the Justices or Council, as the Case may be, shall provide, as they may think fit, for the Application of such Money accordingly.

Aid not to be granted to Reformatory Schools already established, unless certified under 17 & 18 Vict. c. 86.

Plans to be approved by Secretary of State.

IV. Provided, That no Money shall be granted under this Act in aid of any Reformatory School established at the Time of the Grant, unless the Institution has been certified by the Secretary of State under the Provisions of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, to be useful and efficient for its Purpose, nor shall any Money be paid under any such Grant in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn; and in every Case where Money is granted under this Act the Plan and Particulars of the School intended to be established or of the Extension or new Establishment for the Purposes of a School already established (as the Case may be) shall, before Payment of Money under the Grant, be submitted to and approved of by One of Her Majesty's Principal Secretaries of State.

Monies how to be raised.

V. All Monies granted under this Act by any Justices or Council shall be raised and paid in the same Manner and subject to the same Conditions as Monies to be raised by the Justices or Council respectively for building, rebuilding, or enlarging any Gaol under their respective Management.

Interpretation.

VI. In this Act the Word "County" shall mean and include every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace, and the Word "Borough" shall include every City or other Place mentioned in the Schedules to the Act

Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, (to provide for the Regulation of Municipal Corporations in England and Wales,) or to which a Charter of Incorporation has since been granted.

5 VII. This Act shall extend only to England. **Extent of Act.**

Reformatory Schools.

A

BILL

To promote the Establishment and Extension of Reformatory Schools in England.

(*Prepared and brought in by Sir George Grey, Mr. Baines, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 9 *June* 1857.

[Bill 53.]

Under 1 *oz.*

25 *June* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Promote the Establishment and Extension of Reformatory Schools in England.

FOR promoting the Establishment and Extension of Reformatory Schools in England, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions, or at any Adjournment thereof, or for the Council of any Borough having a separate Court of Sessions of the Peace, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders already established, in whole or in part, by voluntary Contributions, or of the Promoters of a Reformatory School intended to be so established, to grant Money in aid of such Reformatory School, or of the Establishment thereof, subject to such Conditions as the Justices or Council may think fit. Justices of a County or Council of Borough Sessions may grant Money in aid of Reformatory Schools.

II. With the Notice required by Law of the Time of holding any such General or Quarter Session, or Adjournment thereof, Notice shall be given of the Day on which any Resolution for granting Money under this Act is to be considered, and the Clerk of the Peace of the Notice of the proposed Grant to be given.

County shall give such Notice as last mentioned, on the Requisition of any Five Justices acting for such County; and every such Resolution for a Grant by the Council of any Borough shall be made at a Special Meeting of such Council to be called for that Purpose. 5

Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.

III. The Money granted under this Act in aid of a Reformatory School shall be applicable to the following Purposes; viz.

Towards defraying the Expenses of purchasing the Site of a School on its first Establishment, or the Site of any Extension or new Establishment for the Purposes of a School already 10 established, or the Expenses of building or fitting up a School on its first Establishment, or erecting, altering, or enlarging or fitting up any Buildings for the Extension or Improvement of a School already established; and the Justices or Council, as the Case may be, shall provide, as they may think fit, for the 15 Application of such Money accordingly.

Aid not to be granted to Reformatory Schools already established, unless certified under 17 & 18 Vict. c. 86.

Plans to be approved by Secretary of State.

IV. Provided, That no Money shall be granted under this Act in aid of any Reformatory School established at the Time of the Grant, unless the Institution has been certified by the Secretary of State under the Provisions of the Act of the Session holden in the Seven- 20 teenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, to be useful and efficient for its Purpose, nor shall any Money be paid under any such Grant in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn; and in every Case where Money is granted under this Act the Plan and 25 Particulars of the School intended to be established or of the Extension or new Establishment for the Purposes of a School already established (as the Case may be) shall, before Payment of Money under the Grant, be submitted to and approved of by One of Her Majesty's Principal Secretaries of State. 30

Monies how to be raised.

V. All Monies granted under this Act by any Justices or Council shall be raised and paid in the same Manner and subject to the same Conditions as Monies to be raised by the Justices or Council respectively for building, rebuilding, or enlarging any Gaol under their respective Management. 35

Clause A. Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.

VI. In every Case in which any young Offender shall be sentenced to be detained in a Reformatory School under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or any of the Acts amending the same, by any Justices of the Peace in Petty Sessions or by any Stipendiary or Police Magistrate in England and Wales, 40 such Justices or Magistrate at the Time of passing such Sentence,

or

or within Fourteen Days thereof, may issue a Summons calling upon the Parent or Step-Parent of such Offender to appear before them or him, and on the Hearing of such Summons, whether the Party summoned shall appear or not, may examine into the Ability of such Parent or Step-Parent to contribute to such Offender's Support and Maintenance, and may make an Order upon him or her for the Payment of such weekly Sum (not exceeding Five Shillings) as shall seem reasonable during the whole or any Part of the Detention of such Offender in such Reformatory School; and in every Case in which such Sentence of Detention shall be passed by any Court of Assize or Quarter Sessions in England and Wales, such Court may direct any Officer of the same to certify the said Sentence to the next Meeting of Justices in Petty Sessions for the District or Town in which the said Court shall be sitting (or to any Police or Stipendiary Magistrate of the said District, as the Case may be), and such Justices or Magistrate may proceed to summon the Parent or Step-Parent of such Offender, and to make an Order upon him or her in manner herein-before provided, as if the Sentence had been passed by themselves or himself in due Course of Law.

Clause B. Proceedings for enforcing Contribution may be taken at any Time during the Detention of the Offender.

VII. In any Case wherein no such Order shall have been made as herein-before provided, it shall be lawful, at any Time during the Detention of such Juvenile Offender, for any Two Justices of the Peace or any Police or Stipendiary Magistrate in England or Wales acting for the County or Borough or other Jurisdiction within which the Parent or Step-Parent of such Offender shall be residing, on the Complaint of any Person authorized by One of Her Majesty's Principal Secretaries of State, to take Proceedings under the said Acts or any of them to summon such Parent or Step-Parent before them, and to examine into his or her Ability, and to make such Order for a Sum not exceeding Five Shillings per Week to be paid by him or her as aforesaid.

Clause C. Power to reduce or (within the specified Limit) to increase the weekly Payments.

VIII. Provided also, That it shall be lawful for any Two Justices of the Peace or for any Police or Stipendiary Magistrate, in England or Wales from Time to Time, on the Representation of such Parent or Step-Parent, or any Person authorized by the Secretary of State to take Proceedings as aforesaid, at any Time while the First Order continues in force to make further Inquiry into the Parent's or Step-Parent's Ability, and to remit or lessen the Amount of the weekly Payment that shall have been previously assessed upon him or her, or to increase the same if they see Cause so to do, so that the Amount shall not in any Case exceed Five Shillings weekly.

CLAUSE D. Payments how to be made.

IX. All such Payments shall be directed by the Order to be made to some Person to be appointed by One of Her Majesty's Principal Secretaries of State to receive such Payments within the Jurisdiction of the Court or Justices or Police or Stipendiary Magistrate making the Order, or to his Agent duly authorized in that Behalf, by him to be accounted for and paid over as the Commissioners of Her Majesty's Treasury may direct.

CLAUSE E. Provisions of 18 & 19 Vict. c. 87. in case of Default in Payment by Parents to be applicable to the Purposes of this Act.

X. All the Provisions of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighty-seven, which have Reference to the Case of Default being made in the Payment of any Sum of Money which may have become payable by any Parent or Step-Parent under an Order made by virtue of that Act, shall be applicable in every Respect to every Case of Default in the Payment of any Sums directed to be paid by any Order made under and by virtue of the present Act; and so much of Section Two of the said Act of the Eighteenth and Nineteenth Years of Her Majesty as is inconsistent with the Provisions herein-before contained shall be repealed.

Interpretation.

XI. In this Act the Word "County" shall mean and include every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace, and the Word "Borough" shall include every City or other Place mentioned in the Schedules to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, (to provide for the Regulation of Municipal Corporations in England and Wales,) or to which a Charter of Incorporation has since been granted.

Extent of Act.

XII. This Act shall extend only to England.

Reformatory Schools.

A

BILL

[AS AMENDED IN COMMITTEE]

To promote the Establishment and Extension of Reformatory Schools in England.

(Prepared and brought in by Sir George Grey, Mr. Baines, and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 85.]

Under 1 *oz.*

9 *July* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Promote the Establishment and Extension of Reformatory Schools in England.

FOR promoting the Establishment and Extension of Reformatory Schools in England, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions, or for the Council of any Borough having a separate Court of Sessions of the Peace, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders already established, in whole or in part, by voluntary Contributions, or of the Promoters of a Reformatory School intended to be so established, to grant Money in aid of such Reformatory School, or of the Establishment thereof, subject to such Conditions as the Justices or Council may think fit. Justices of a County or Council of Borough Sessions may grant Money in aid of Reformatory Schools.

II. Not less than Two Months Notice shall be given by the Clerk of the Peace of such County, in some Newspaper or Newspapers commonly circulated in such County, of the Day on which any Resolution for granting Money under this Act is to be considered, Notice of the proposed Grant to be given.

and the Clerk of the Peace of the County shall give such Notice on the Requisition of any Five Justices acting for such County; and every such Resolution for a Grant by the Council of any Borough shall be made at a Special Meeting of such Council to be called for that Purpose. 5

Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.

III. The Money granted under this Act in aid of a Reformatory School shall be applicable to the following Purposes; viz.

Towards defraying the Expenses of purchasing the Site of a School on its first Establishment, or the Site of any Extension or new Establishment for the Purposes of a School already 10 established, or the Expenses of building or fitting up a School on its first Establishment, or erecting, altering, or enlarging or fitting up any Buildings for the Extension or Improvement of a School already established; and the Justices or Council, as the Case may be, shall provide for the Application of such Money 15 accordingly.

Aid not to be granted to Reformatory Schools already established, unless certified under 17 & 18 Vict. c. 86.

Plans to be approved by Secretary of State.

IV. Provided, That no Money shall be granted under this Act in aid of any Reformatory School established at the Time of the Grant, unless the Institution has been certified by the Secretary of State under the Provisions of the Act of the Session holden in the Seven- 20 teenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, to be useful and efficient for its Purpose, nor shall any Money be paid under any such Grant in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn; and in every Case where Money is granted under this Act the Plan and 25 Particulars of the School intended to be established or of the Extension or new Establishment for the Purposes of a School already established (as the Case may be) shall, before Payment of Money under the Grant, be submitted to and approved of by One of Her Majesty's Principal Secretaries of State. 30

Clause F. Justices or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

V. It shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions (Notice having been given as herein provided in the Case of a Resolution for granting Money), or for the Council of any Borough having a separate Court of Sessions of the Peace, at a Special Meeting of such Council called for the Pur- 35 pose, to appoint and empower a Committee of such Justices or Council to enter into an Agreement with the Directors or Managers of any Reformatory School, certified as aforesaid for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory 40 School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Justices or Council may

may direct the Payment of the Money which may from Time to Time become payable under such Agreement.

VI. All Monies granted under this Act by any Justices or Council shall be raised and paid in the same Manner and subject to the same Conditions as Monies to be raised by the Justices or Council respectively for building, rebuilding, or enlarging any Gaol under their respective Management, and all Monies directed to be paid from Time to Time by any Justices or Council, in pursuance of any Agreement under this Act, shall be raised and paid in the same Manner as Monies to be raised for the ordinary current Expenditure of their several Gaols.

Monies how to be raised.

CLAUSE A. Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.

VII. In every Case in which any young Offender shall be sentenced to be detained in a Reformatory School under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or any of the Acts amending the same, by any Justices of the Peace in Petty Sessions or by any Stipendiary or Police Magistrate in England and Wales, such Justices or Magistrate at the Time of passing such Sentence, or within Fourteen Days thereof, may issue a Summons calling upon the Parent or Step-Parent of such Offender to appear before them or him, and on the Hearing of such Summons, whether the Party summoned shall appear or not, may examine into the Ability of such Parent or Step-Parent to contribute to such Offender's Support and Maintenance, and may make an Order upon him or her for the Payment of such weekly Sum (not exceeding Five Shillings) as shall seem reasonable during the whole or any Part of the Detention of such Offender in such Reformatory School; and in every Case in which such Sentence of Detention shall be passed by any Court of Assize or Quarter Sessions in England and Wales, such Court may direct any Officer of the same to certify the said Sentence to the next Meeting of Justices in Petty Sessions for the District or Town in which the said Court shall be sitting (or to any Police or Stipendiary Magistrate of the said District, as the Case may be), and such Justices or Magistrate may proceed to summon the Parent or Step Parent of such Offender, and to make an Order upon him or her in manner herein-before provided, as if the Sentence had been passed by themselves or himself in due Course of Law.

CLAUSE B. Proceedings for enforcing Contribution may be taken at any Time during the Detention of the Offender.

VIII. In any Case wherein no such Order shall have been made as herein-before provided, it shall be lawful, at any Time during the Detention of such Juvenile Offender, for any Two Justices of the Peace or any Police or Stipendiary Magistrate in England or Wales acting for the County or Borough or other Jurisdiction within which the Parent or Step-Parent of such Offender shall be residing, on the

Complaint of any Person authorized by One of Her Majesty's Principal Secretaries of State, to take Proceedings under the said Acts or any of them to summon such Parent or Step-Parent before them, and to examine into his or her Ability, and to make such Order for a Sum not exceeding Five Shillings per Week to be paid by him or her as aforesaid. 5

Clause C. Power to reduce or (within the specified Limit) to increase the weekly Payments.

IX. Provided also, That it shall be lawful for any Two Justices of the Peace or for any Police or Stipendiary Magistrate, in England or Wales from Time to Time, on the Representation of such Parent or Step-Parent, or any Person authorized by the Secretary of State to take Proceedings as aforesaid, at any Time while the First Order continues in force to make further Inquiry into the Parent's or Step-Parent's Ability, and to remit or lessen the Amount of the weekly Payment that shall have been previously assessed upon him or her, or to increase the same if they see Cause so to do, so that the Amount shall not in any Case exceed Five Shillings weekly. 10 15

Clause D. Payments how to be made.

X. All such Payments shall be directed by the Order to be made to some Person to be appointed by One of Her Majesty's Principal Secretaries of State to receive such Payments within the Jurisdiction of the Court or Justices or Police or Stipendiary Magistrate making the Order, or to his Agent duly authorized in that Behalf, by him to be accounted for and paid over as the Commissioners of Her Majesty's Treasury may direct. 20

Clause E. Provisions of 18 & 19 Vict. c. 87. in case of Default in Payment by Parents to be applicable to the Purposes of this Act.

XI. All the Provisions of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighty-seven, which have Reference to the Case of Default being made in the Payment of any Sum of Money which may have become payable by any Parent or Step-Parent under an Order made by virtue of that Act, shall be applicable in every Respect to every Case of Default in the Payment of any Sums directed to be paid by any Order made under and by virtue of the present Act; and so much of Section Two of the said Act of the Eighteenth and Nineteenth Years of Her Majesty as is inconsistent with the Provisions herein-before contained shall be repealed. 25 30 35

Interpretation.

XII. In this Act the Word "County" shall mean and include every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace, and the Word "Borough" shall include every City or other Place mentioned in the Schedules to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, (to provide for the Regulation 40

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tion of Municipal Corporations in England and Wales,) or to which a Charter of Incorporation has since been granted.

XIII. This Act shall extend only to England. Extent of Act.

Reformatory Schools.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To promote the Establishment and Extension of Reformatory Schools in England.

(*Prepared and brought in by Sir George Grey, Mr. Baines, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1857.

[Bill 109.]

Under 1 *oz.*

LORDS AMENDMENTS

TO

REFORMATORY SCHOOLS BILL.

Note.—*The Page and Line refer to the Bill* (116.) *as first printed by the Lords.*

Page 1.

Line 12. Leave out ("grant Money") and insert ("make an "Order for the Payment of Money out of the "County or Borough Rate, as the Case may be")

Page 2.

Line 1. Leave out ("Resolution for granting Money") and insert ("Motion for such Order")

Line 4. Leave out ("such Resolution for a Grant") and insert ("Order")

Line 4. After ("Borough") insert ("for the Payment of "Money out of the Borough Rate")

Line 10. Leave out ("granted") and insert ("ordered to be "paid")

Line 21. Leave out ("granted") and insert ("ordered to be "paid")

Line 27. Leave out ("Grant") and insert ("Order")

Line 29. Leave out ("granted") and insert ("ordered to be "paid")

Line 33. Leave out "Grant") and insert ("Order")

Line 37. Leave out ("a Resolution for granting") and insert ("an Order for the Payment of")

Page 3.

After Clause V. insert Clause A.

Schools may be visited by Clergymen

CLAUSE A. In every Reformatory School aided by a Grant of Money under this Act, or in relation to which any such Agreement

of religious Persuasion of Offenders.

ment as last aforesaid shall have been entered into, it shall be lawful upon the Representations of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, of any Offender detained in any such School, for a Minister of the religious Persuasion of such Offender, at certain fixed Hours of the Day, which shall be fixed by the Managers or Directors for the Purpose, to visit such School for the Purpose of affording religious Assistance to such Offender, and also for the Purpose of instructing such Offender in the Principles of his Religion.

Line 7. Leave out ("granted") and insert ("ordered to be "paid")
Line 16. Leave out ("young") and insert ("juvenile")
Line 22. Leave out ("may") and insert ("shall")
Line 32. Leave out ("may") and insert ("shall")
Line 37. Leave out ("may") and insert ("shall")

Page 4.

Line 39. Leave out from ("repealed") to the End of the Clause.

Page 5.

After Clause XII. insert Clause B.

Penalty for harbouring any young Person absconding rom a Reformatory.

Clause B. Any Person who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable to the Penalty imposed by an Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and nine, on anyone wilfully withdrawing or inducing any young Person to abscond from any such School, to be recovered and applied in manner therein mentioned, and failing Payment thereof shall be liable to be imprisoned, as in the said Enactment mentioned.

LORDS AMENDMENTS

TO

REFORMATORY SCHOOLS BILL.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1857.

[Bill 181.]

Under 1 *oz.*

Registration of Long Leases (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Long Leases and Assignations registerable in Register of Sasines; Sect. 1.

Long Leases executed after Act not to make faith against Singular Successors, unless recorded; 2.

Assignations of recorded Leases; 3.

Assignations in Security; 4.

Where Party presenting for Registration not original Lessee or Assignee; 5.

Translation of Assignations in Security. Creditor's Entry to Possession in default of Payment; 6.

Heir may complete Title by Writ of Acknowledgment; 7.

Heir or Disponee may complete Title, by recording Notarial Instrument; 8.

Where Assignee has died without recording Assignation, Mode of making up Title; 9.

Adjudgers to complete Right by recording Abbreviate; 10.

Trustees on sequestrated Estate may be entered on Register; 11.

Preferences regulated by Date of recording. Transfer only valid in manner mentioned in Act; 12.

Renunciations and Discharges to be recorded; 13.

Entry of Decree of Reduction; 14.

Mode of registering. Extracts to make faith; 15.

Registration equivalent to Possession; 16.

Leases, with Obligation to renew, registerable; 17.

No Leases executed after Date of Act of more than 50 Acres to be registerable; 18.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act; 19.

Sub-Leases posterior to Act not within Act; 20.
Sub-Leases for more than Nineteen Years not effectual against Singular Successor; 21.
Import of Clauses in Schedules; 22.
Short Title; 23.
SCHEDULES.

A

BILL

TO

Provide for the Registration of Long Leases in Scotland, and Assignations thereof.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Long Leases and Assignations thereof registerable in Register of Sasines.

I. From and after the *passing of this Act*, it shall be lawful to record in the General Register of Sasines in Scotland Leases, whether executed before or after the passing of this Act, for a Period of *Fifty* Years, and for any greater Number of Years that shall be stipulated of Lands and Heritages in Scotland other than Lands and Heritages held by Burgage Tenure, and the Assignations, Assignations in Security, and Translations thereof herein-after mentioned, and to record in the several Burgh Registers Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held by Burgage Tenure, and the Assignations, Assignations in Security, and Translations thereof.

Long Leases executed after Act not to make faith against Singular

II. No Lease for a Period of *Fifty* Years or upwards, executed after the *passing of this Act*, and registerable under this Act, shall make faith or be effectual against any Singular Successor in the Lands and Heritages thereby let, unless it shall have been recorded,

Successors, unless recorded.

as herein provided, prior to the Infeftment of such Singular Successor, anything in an Act of the Parliament of Scotland passed in the Year One thousand four hundred and forty-nine, and intituled "The "Buyers of Lands should keep the Tacks set before the buying," to the contrary notwithstanding. 5

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party in Right of such Lease, and whose Right is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, by Assignation, 10 in the Form as nearly as may be of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right in and to such Lease to the Extent assigned.

Assignations in Security.

IV. It shall be lawful for the Party in Right of any such Lease 15 recorded as aforesaid, and whose Right thereto is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, in Security for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, in the Form as 20 near as may be of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation 25 in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, expede an Instrument, under the Hand of a Notary Public, in the Form as nearly as may be of the Schedule (C.) to this Act 30 annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Instrument.

Translation of Assignations in Security.

VI. All such Assignations in Security as aforesaid shall, when 35 recorded, be transferable, in whole or in part, by Translation, in the Form as nearly as may be of the Schedule (D.) to this Act annexed; and the recording of such Translation shall fully and effectually vest the Party in whose Favour it was granted with the Right of the Granter thereof in such Assignation in Security to the Extent assigned; 40 and the Creditor or Party in Right of such Assignation in Security shall

Creditor's Entry to

shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for *Six* Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Sub-tenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease.

Possession in default of Payment.

VII. It shall be competent for the Heir of any Party who shall have died vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form as nearly as may be of the Schedule (E.) to this Act annexed; and the recording of such Writ in the Register in which such Lease or Assignation in Security is registered shall complete the Title of such Heir to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir may complete Title by Writ of Acknowledgment.

VIII. It shall be competent to the Heir or General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Title of such Heir or Disponee to such Lease or Assignation in Security.

Heir or Disponee may complete Title by recording Notarial Instrument.

IX. Where any Assignation, Assignation in Security, or Translation granted in pursuance of this Act shall not have been registered as aforesaid in the Lifetime of the Grantee in such Writ respectively, it shall be competent to the Heir or General Disponee of such Grantee to make up his Title by expeding an Instrument under the Hand of a Notary Public in the Form, as nearly as may be, of the Schedule (F.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being presented to him, but not otherwise, shall

Where Assignee has died without recording Assignation, Mode of making up Title.

thereupon record such Assignation, Assignation in Security, or Translation, together with the said Instrument.

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security.

Trustees on sequestrated Estate may be entered on Register.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Right of such Trustee to such Lease or Assignation in Security.

Preferences regulated by Date of recording Transfer only valid in manner mentioned in Act.

XII. All such Leases executed after the *passing of this Act*, and all such Assignations, and all such Assignations in Security and Translations thereof, and all Adjudications of such Leases or Assignations in Security, shall in Competition be preferable according to their Dates of recording; and no Assignation, nor Assignation in Security, executed after the passing of this Act, of any such Lease, recorded as aforesaid, and no Transfer or Conveyance effected or made of any such Lease or Assignation in Security, unless executed, made, or effected in manner herein mentioned, shall be valid or effectual.

Renunciations and Discharges to be recorded.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Adjudication, Instrument, Discharge, or Renunciation recorded in the Register of which he is the Keeper, along with a Minute thereof, in the Form as nearly as may be of the Schedule (J.) to this Act annexed, such Keeper shall, when satisfied of the Accuracy of such Minute, enter the same in the Minute Book

Book kept by him of the Date and Order of Presentation, and he shall also endorse on the said Extract a Certificate of the same having been minuted as aforesaid.

XV. Leases, Assignations, Assignations in Security, Translations, Adjudications, Instruments, Discharges, Renunciations, and other Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Book of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Book, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of all such Writs registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writs registered, except where the Writs so registered are offered to be improven.

Mode of registering.

Extracts to make faith.

XVI. The Registration of all such Leases, Assignations in Security, and Assignations and Translations thereof, Adjudications, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

Registration equivalent to Possession.

XVII. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registerable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time so as to endure for a Period of *Fifty* Years or upwards.

Leases, with Obligation to renew, registerable.

XVIII. No Lease executed after the *passing of this Act*, unless where the same shall have been executed in Terms of an Obligation to renew contained in a Lease renewable as aforesaid, and of Date prior to this Act, shall be held to fall within the same, or to be registerable thereunder, where the Extent of Land thereby let shall exceed *Fifty* Acres, or where the Quantity of Land let, and, except in case of the Subjects held by Burgage Tenure, the Name of the Lands of which the Ground thereby let, consists or forms a Part, shall not be set forth therein, or where the Ground let shall not be described by Boundaries in such Lease.

No Lease executed after Date of Act of more than 50 Acres to be registerable.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act.

XIX. Where any such Lease as aforesaid registerable under this Act shall, before the passing thereof, have been recorded in the Books of Council and Session, or in the Books of any Sheriff Court, the Production to the Keeper of the Register of an Extract of such Lease shall be a sufficient Warrant for him to record the same, and he shall thereupon duly record it, and the recording thereof shall be as valid and effectual as if the original Lease had been presented to him.

Sub-Leases posterior to Act not within Act.

XX. No Sub-Lease executed after the *passing of this Act* shall be deemed a Lease within the Intent and Meaning of this Act.

Sub-Leases for more than Nineteen Years not effectual against Singular Successor.

XXI. No Sub-Lease for a longer Period than *Nineteen* Years of any Lands or Heritages, or Part thereof, let by a Lease recorded as aforesaid, shall be valid or effectual against any Singular Successor in such Lease who shall have completed his Right thereto as aforesaid, or any Party who shall have completed his Right under an Assignation thereof in Security as aforesaid, excepting where both such Lease and such Sub-Lease shall have been executed prior to the passing of this Act.

Import of Clauses in Schedules. 10 & 11 Vict. c. 50.

XXII. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

Short Title.

XXIII. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1857."

SCHE-

SCHEDULES.

SCHEDULE (A.)

Form of Assignation of Lease.

I, *A.B.*, [*Designation*,] in consideration of the Sum of now paid to me, [*or otherwise, as the Case may be*,] assign to *C.D.* [*Designation*] a Lease, dated , and recorded in the Register of Sasines at , of Date , granted by *E.F.* [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly mention Subjects*] in the Parish of and County of [and (*when the Assigner is not the Grantee in the Lease*) my Title to which is recorded in the said Register, of Date], [but (*where the Lease is assigned in part only*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*),] with Entry as at (*Term of Entry*). And [*where Sub-Lease*] I assign the Rents from [*Term*]; and I grant Warrandice; and I bind myself to free and relieve the said *C.D.* of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease; and I consent to Registration for Preservation and Execution.

[*Testing Clause in common Form.*]

SCHEDULE (B.)

Form of Bond and Assignation in Security.

I, *A.B.*, [*Designation*] bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* [*Designation*] or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, [*or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime, *as the Case may be*,] with the Interest of the said Capital Sum at the Rate of per Cent. per Annum, payable by equal Portions half-yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in Security of the personal Obligation before written, I assign to the said *C.D.* and his

foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease was granted by *E.F.*, [*Designation,*] of Date , and recorded [*insert Register, with Date of recording*], and [*where Cedent not the original Lessee*] my Title to which is registered therein [*Date of recording*]; [but (*where only a Portion of the Subjects are assigned*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*)]. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

[*Testing Clause.*]

SCHEDULE (C.)

Forms of Notarial Instruments in favour of a Party not the original Grantee.

No. 1.—*Case of Lease.*

Be it known, That by Lease, dated , *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased*] in the Parish of and County of , to which Lease *E.F.* [*Designation*] has made up Title by Service as eldest Son [*or as the Case may be*] and Heir of the said *C.D.*, dated [*insert Date of Service*] before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery, [*or, as the Case may be,* as General Disponee *or* Assignee of the said *C.D.* in virtue of (*here mention the Writs or Decreets instructing the Right, with the Dates thereof, and, if recorded, the Register, and Date of recording**]: Wherefore this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1857.

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security of Date *C.D.* [*Designation*] assigned to *J.K.* [*Designation*], in Security of a

* *Note.*—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignation in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

Sum

Sum of [*or as the Case may be*], a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*], in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], to which Assignation in Security *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *J.K.*, *&c.* [*as in Form No.* 1.]

SCHEDULE (D.)

Form of Translation of Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me [*or as the Case may be*], assign and transfer to *C.D.* [*Designation*] a Bond and Assignation in Security for the Sum of [*or as the Case may be*], granted by *E.F.* [*Designation*] in my Favour, [*or, if not in Granter's Favour, name and design the Party in whose Favour granted,*] dated and recorded [*Register and Date of recording*], [and (*if the Granter not the Assignee in said Bond*) my Title to which is recorded in said Register (*Date of recording*)], with the Interest from the [*Date*], and also a Lease granted by *G.H.* [*Designation*] of [*shortly describe Subjects leased*] in the Parish of and County of , which Lease is dated and is recorded in the said Register, of Date .

[*Testing Clause.*]

SCHEDULE (E.)

Forms of Writs of Acknowledgment.

No. 1.—*Acknowledgment of Heir in Lease.*

I, *A.B.*, [*Designation,*] Proprietor infeft in the Lands of *C.*, by Infeftment recorded [*Register, and Date of recording,*] acknowledge *D.E.*, [*Designation,*] as [*specify Relationship*], and Heir of the deceased *F.G.*, [*Designation,*] to be in Right of a Lease granted by *H.J.* [*Designation*] of [*shortly mention Subjects*] in the Parish of and County of , being a Portion of the said Lands of *C.*, which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Deceased not the original Lessee*] the Title of the said *F.G.* being recorded in the said Register, of Date .

[*Testing Clause.*]

No. 2.—*Acknowledgment of Heir of Creditor in Assignation in Security.*

I, *A.B.*, [*Designation,*] being in Right of a Lease granted by *C.D.* [*Designation*] of [*shortly specify Subjects*] in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*] and [*where Granter not the Lessee named in the Lease*] my Title to which is recorded in said Register [*Date of recording*], acknowledge *E.F.* [*Designation*] as [*specify Relationship*], and Heir of the deceased *G.H.* [*Designation*], to be in Right of a Bond and Assignation in Security for the Sum of [*or as the Case may be*] granted by *I.K.* [*Designation*] over said Lease, which Bond and Assignation in Security is dated and recorded in the said Register on [*Date*], and [*where the Deceased not the original Creditor*] the Title of the said *G.H.* to which Bond and Assignation in Security is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (F.)

FORM OF NOTARIAL INSTRUMENT IN FAVOUR OF HEIR IN RECORDED LEASE OR ASSIGNATION IN SECURITY, OR OF TRUSTEE ON SEQUESTRATED ESTATE.

No. 1.—*Case of Lease.*

BE it known, That by Lease dated *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased,*] in the Parish of and County of , which Lease is recorded [*Register, and Date of recording*], and to which *E.F.* [*Designation*] has made up Title by Service as [*specify Relationship*], and Heir of the said *C.D.*, dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*or, as the Case may be,* as General Disponee of the said *C.D.*, *or* as Heir (*or* General Disponee) of *L.M.* in an Assignation by the said *C.D.* of Date , *or* as Trustee confirmed on the sequestrated Estate of the said *C.D.*, in virtue of (*here mention the Writs or Decreets, instructing the Rights, with the Dates thereof, and if recorded, the Register, and Date of recording.*)] Whereupon this Instrument is taken by the said *E.F.*, in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the "Registration of Leases (Scotland) Act, 1857."

[*Testing Clause.*]

No. 2.

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security, of Date *C.D.* [*Designation*] assigned to *I.K.* [*Designation*] in Security of a Sum of [*or as the Case may be,*] a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*] in the Parish of and County of , dated , and recorded [*Register, and Date of recording*], to which Bond and Assignation in Security *E.F.* [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said *I.K.*, *&c.* [*as in Form* No. 1.]

SCHEDULE (G.)

Renunciation of Lease.

I, *A.B.*, [*Designation,*] renounce as from the Term of in favour of *C.D.* [*Designation*] a Lease granted by the said *C.D.* [*or as the Case may be*] of [*shortly set forth Subjects*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording,*] and [*where the Party renouncing not the original Lessee*] my Title to which is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (H.)

Form of Discharge of Bond and Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me by *C.D.* [*Designation,*] discharge a Bond and Assignation in Security for the Sum of , granted by the said *C.D.* in my Favour [*or as the Case may be**], and which is dated and recorded in the [*Register, and Date of recording*]; and I declare to be disburdened thereof a Lease granted by *E.F.* [*Designation*] of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*].

[*Testing Clause.*]

* *Note.*—If Granter not original Creditor, here state his Title, and Date of recording the same.

SCHE-

SCHEDULE (J.)

Form of Minute of a Decree of Reduction.

[*Day, Month, Year, and Hours of Presentation to the Keeper.*]

Decree of Reduction obtained by *A.B.* [*Designation*] of a Lease [*or* Assignation or other Writ or Writs reduced, *as the Case may be,*] granted by *E.F.* [*Designation*], of [*shortly mention the Subjects leased*], in the Parish of , and recorded [*Register and Date of recording*], dated and extracted [*Date of Decree and extracting*], and presented by [*Name and Designation of presented*].

[N.B.—*County in which Subjects situated to be stated on the Margin.*]

Registration of Long Leases (Scotland).

A

BILL

To provide for the Registration of Long Leases in Scotland, and Assignations thereof.

(*Prepared and brought in by Mr. Dunlop and Sir Michael R. Shaw Stewart.*)

Ordered, by The House of Commons, *to be Printed,* 8 *May* 1857.

[Bill 2.] *Under 2 oz.*

17 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Provide for the Registration of Long Leases in Scotland, and Assignations thereof.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Long Leases and Assignations thereof registerable in Register of Sasines.

5 I. From and after the passing of this Act, it shall be lawful to record in the General Register of Sasines in Scotland, or in the particular Register of Sasines for the District in which the Lands and Heritages leased are situated, probative Leases, whether executed before or after the passing of this Act, for a Period of Thirty-one 10 Years, and for any greater Number of Years that shall be stipulated, of Lands and Heritages in Scotland other than Lands and Heritages held by Burgage Tenure, and to record in the several Burgh Registers of Sasines probative Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held 15 by Burgage Tenure, and to record respectively in the Register in which any such Lease as aforesaid shall have been registered, the Assignations, and Assignations in Security of such Lease, and Translations thereof, all herein-after mentioned.

Recorded Leases effectual against singular Successors in the Lands let.

II. Leases registerable under this Act, and valid and binding as in a Question with the Granters thereof, which shall have been duly recorded, as herein provided, at or subsequent to the Date of Entry thereunder, shall, by virtue of such Registration, be effectual against any singular Successor in the Lands and Heritages thereby let, whose Infeftment is posterior in Date to the Date of such Registration. 5

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party in Right of such Lease, and whose Right is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and 10 not otherwise, to assign the same, in whole or in part, by Assignation, in the Form as nearly as may be of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right of the Granter thereof in and to such Lease to the Extent assigned; Provided always, that 15 such Assignation shall be without Prejudice to the Right of Hypothec, or other Rights of the Landlord.

Assignations in Security.

IV. It shall be lawful for the Party in Right of any such Lease recorded as aforesaid, and whose Right thereto is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations 20 of such Lease, and not otherwise, to assign the same, in whole or in part, in Security for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, in the Form as near as may be of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right 25 thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignee.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, 30 before presenting such Lease or Assignation in Security for Registration, expede an Instrument, under the Hand of a Notary Public, in the Form as nearly as may be of the Schedule (C.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon 35 record such Lease or Assignation in Security, together with the said Instrument.

Translation of Assignations in Security.

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the Form as nearly as may be of the Schedule (D.) to this Act annexed; 40 and the recording of such Translation shall fully and effectually vest the

the Party in whose Favour it was granted with the Right of the Granter thereof in such Assignation in Security to the Extent assigned; and the Creditor or Party in Right of such Assignation in Security shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for Six Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee for the Time being, and to the Landlord, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Sub-tenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease.

Creditor's Entry to Possession in default of Payment.

VII. It shall be competent for the Heir of any Party who shall have died vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infeft in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form as nearly as may be of the Schedule (E.) to this Act annexed; and the recording of such Writ in the Register in which such Lease or Assignation in Security is registered shall complete the Title of such Heir to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir may complete Title by Writ of Acknowledgment.

VIII. It shall be competent to the Heir or General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument shall complete the Title of such Heir or Disponee to such Lease or Assignation in Security.

Heir or Disponee may complete Title by recording Notarial Instrument.

IX. Where any Assignation, Assignation in Security, or Translation granted in pursuance of this Act shall not have been registered as aforesaid in the Lifetime of the Grantee in such Writ respectively, it shall be competent to the Heir or General Disponee of such Grantee

Where Assignee has died without recording Assignation, Mode of making up Title.

to make up his Title by expeding an Instrument under the Hand of a Notary Public in the Form, as nearly as may be, of the Schedule (F.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being presented to him, but not otherwise, shall thereupon record such Assignation, Assignation in Security, or Translation, together with the said Instrument. 5

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security. 10

Trustees on sequestrated Estate may be entered on Register.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expede a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument in the Register in which such Lease is recorded shall complete the Right of such Trustee to such Lease or Assignation in Security. 15

Preferences regulated by Date of recording Transfer.

XII. All such Leases executed after the passing of this Act, and all Assignations, Assignations in Security of any such Lease recorded as aforesaid, and Translations thereof, and all Adjudications of such Leases recorded as aforesaid, or Assignations in Security, shall in Competition be preferable according to their Dates of recording. 20

Renunciations and Discharges to be recorded.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same. 25 30

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Adjudication, Instrument, Discharge, or Renunciation recorded in the Register of which he is the Keeper, along with a Minute thereof, in the Form as nearly as may be of the Schedule (J.) to this Act annexed, such Keeper shall, when satisfied of the Accuracy of such Minute, enter the same in the Minute 35 40

Book

Book kept by him of the Date and Order of Presentation, and he shall also endorse on the said Extract a Certificate of the same having been minuted as aforesaid.

Mode of registering.

XV. Leases, Assignations, Assignations in Security, Translations, Adjudications, Instruments, Discharges, Renunciations, and other Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Book of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Book, and thereafter re-delivered to the Parties, with Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of all such Writs registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writs registered, except where the Writs so registered are offered to be improven.

Extracts to make faith.

Registration equivalent to Possession.

XVI. The Registration of all such Leases, Assignations, Assignations in Security, Translations, Adjudications, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, to the Effect of establishing a Preference in virtue thereof, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

Leases, with Obligation to renew, registerable.

XVII. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registerable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time so as to endure for a Period of Thirty-one Years or upwards.

No Lease executed after Date of Act to be registerable where Name of Lands and Boundaries not given.

XVIII. No Lease executed after the passing of this Act, unless where the same shall have been executed in Terms of an Obligation to renew contained in a Lease renewable as aforesaid, and of Date prior to this Act, shall be held to fall within the same, or to be registerable thereunder, except in case of Subjects held by Burgage Tenure, the Name of the Lands of which the Ground thereby let, consists or forms a Part, shall not be set forth therein, or where the Ground let shall not be described by Boundaries in such Lease.

Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act.

XIX. Where any such Lease as aforesaid registerable under this Act shall, before the passing thereof, have been recorded in the Books of Council and Session, or in the Books of any Sheriff Court, the Production to the Keeper of the Register of an Extract of such Lease shall be a sufficient Warrant for him to record the same, and he shall thereupon duly record it, and the recording thereof shall be as valid and effectual as if the original Lease had been presented to him.

Import of Clauses in Schedules. 10 & 11 Vict. c. 50.

XX. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignation in Security as is herein-before mentioned.

Short Title.

XXI. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1857."

SCHE-

SCHEDULES.

SCHEDULE (A.)

Form of Assignation of Lease.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me, [*or otherwise, as the Case may be,*] assign to *C.D.* [*Designation*] a Lease, dated , and recorded in the Register of Sasines at , of Date , granted by *E.F.* [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly mention Subjects*] in the Parish of and County of [and (*when the Assigner is not the Grantee in the Lease*) my Title to which is recorded in the said Register, of Date], [but (*where the Lease is assigned in part only*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*),] with Entry as at (*Term of Entry*). And [*where Sub-Lease*] I assign the Rents from [*Term*]; and I grant Warrandice; and I bind myself to free and relieve the said *C.D.* of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease; and I consent to Registration for Preservation and Execution.

[*Testing Clause in common Form.*]

SCHEDULE (B.)

Form of Bond and Assignation in Security.

I, *A.B.*, [*Designation*] bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to *C.D.* [*Designation*] or his Heirs, Executors, or Assignees, of the Sum of , being Money borrowed by me from him, [*or* as a Provision to the said *C.D.*, *or* of the yearly Annuity of during his Lifetime, *as the Case may be,*] with the Interest of the said Capital Sum at the Rate of per Cent. per Annum, payable by equal Portions half-yearly at Whitsunday and Martinmas, beginning the First Payment at . And, in Security of the personal Obligation before written, I assign to the said *C.D.* and his

foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease was granted by *E.F.*, [*Designation,*] of Date , and recorded [*insert Register, with Date of recording*], and [*where Cedent not the original Lessee*] my Title to which is registered therein [*Date of recording*]; [but (*where only a Portion of the Subjects are assigned*) in so far only as regards the following Portion of the Subjects leased; viz. (*specify particularly the Portion*)]. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

[*Testing Clause.*]

SCHEDULE (C.)

Forms of Notarial Instruments in favour of a Party not the original Grantee.

No. 1.—*Case of Lease.*

Be it known, That by Lease, dated , *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased*] in the Parish of and County of , to which Lease *E.F.* [*Designation*] has made up Title by Service as eldest Son [*or as the Case may be*] and Heir of the said *C.D.*, dated [*insert Date of Service*] before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery, [*or, as the Case may be,* as General Disponee *or* Assignee of the said *C.D.* in virtue of (*here mention the Writs or Decreets instructing the Right, with the Dates thereof, and, if recorded, the Register, and Date of recording**]: Wherefore this Instrument is taken by the said *E.F.* in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the Registration of Leases (Scotland) Act, 1857.

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security of Date *C.D.* [*Designation*] assigned to *J.K.* [*Designation*], in Security of a

* *Note.*—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignation in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

Sum

Sum of [*or as the Case may be*], a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*], in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*], to which Assignation in Security *E.F.* [*Designation*] has acquired Right as eldest Son [*or as the Case may be*] and Heir of the said *J.K.*, *&c.* [*as in Form No.* 1.]

SCHEDULE (D.)

Form of Translation of Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me [*or as the Case may be*], assign and transfer to *C.D.* [*Designation*] a Bond and Assignation in Security for the Principal Sum of [*or as the Case may be*], granted by *E.F.* [*Designation*] in my Favour, [*or, if not in Granter's Favour, name and design the Party in whose Favour granted,*] dated and recorded [*Register and Date of recording*] of and over a Lease granted by *G.H.* [*Designation*] of [*shortly describe Subjects leased*], in the Parish of , and County of , which Lease is dated , and is recorded in the said Register of Date [and (*if the Granter is not the Assignee in said Bond*) my Title to which Bond and Assignation in Security is recorded in said Register (*Date of recording*)], [but (*where the Translation is partial*) only to the Extent of (*insert Sum*), and to the Effect of giving pari passu Preference to the said *C.D.* over the said Lease with me, my Heirs and Assigns, as regards the Remainder of the said Principal Sum and corresponding Interest], with the Interest from [*Date*].

[*Testing Clause.*]

SCHEDULE (E.)

Forms of Writs of Acknowledgment.

No. 1.—*Acknowledgment of Heir in Lease.*

I, *A.B.*, [*Designation,*] Proprietor infeft in the Lands of *C.*, by Infeftment recorded [*Register, and Date of recording,*] acknowledge *D.E.*, [*Designation,*] as [*specify Relationship*], and Heir of the deceased *F.G.*, [*Designation,*] to be in Right of a Lease granted by *H.J.* [*Designation*] of [*shortly mention Subjects*] in the Parish of and County of , being a Portion of the said Lands of *C.*, which Lease is dated and recorded [*Register, and Date of recording*], and [*where the Deceased not the original Lessee*] the Title of the said *F.G.* being recorded in the said Register, of Date .

[*Testing Clause.*]

No. 2.—*Acknowledgment of Heir of Creditor in Assignation in Security.*

I, *A.B.*, [*Designation,*] being in Right of a Lease granted by *C.D.* [*Designation*] of [*shortly specify Subjects*] in the Parish of and County of , which Lease is dated , and recorded [*Register, and Date of recording*] and [*where Granter not the Lessee named in the Lease*] my Title to which is recorded in said Register [*Date of recording*], acknowledge *E.F.* [*Designation*] as [*specify Relationship*], and Heir of the deceased *G.H.* [*Designation*], to be in Right of a Bond and Assignation in Security for the Sum of [*or as the Case may be*] granted by *I.K.* [*Designation*] over said Lease, which Bond and Assignation in Security is dated and recorded in the said Register on [*Date*], and [*where the Deceased not the original Creditor*] the Title of the said *G.H.* to which Bond and Assignation in Security is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (F.)

FORM OF NOTARIAL INSTRUMENT IN FAVOUR OF HEIR IN RECORDED LEASE OR ASSIGNATION IN SECURITY, OR OF TRUSTEE ON SEQUESTRATED ESTATE.

No. 1.—*Case of Lease.*

BE it known, That by Lease dated *A.B.* [*Designation*] let to *C.D.* [*Designation*] that Piece of Ground [*or as the Case may be, shortly describing the Property leased,*] in the Parish of and County of , which Lease is recorded [*Register, and Date of recording*], and to which *E.F.* [*Designation*] has made up Title by Service as [*specify Relationship*], and Heir of the said *C.D.*, dated the [*insert Date of Service*], before the [*specify the Court before which the Heir has been served*], and duly retoured to Chancery [*or, as the Case may be,* as General Disponee of the said *C.D.*, *or* as Heir (*or* General Disponee) of *L.M.* in an Assignation by the said *C.D.* of Date , *or* as Trustee confirmed on the sequestrated Estate of the said *C.D.*, in virtue of (*here mention the Writs or Decreets, instructing the Rights, with the Dates thereof, and if recorded, the Register, and Date of recording.*)] Whereupon this Instrument is taken by the said *E.F.*, in the Hands of *G.H.* [*Designation of Notary Public*], in Terms of the "Registration of Leases (Scotland) Act, 1857."

[*Testing Clause.*]

No. 2.—*Case of Assignation in Security.*

Be it known, That by Bond and Assignation in Security, of Date *C.D.* [*Designation*] assigned to *I.K.* [*Designation*] in Security of a Sum of [*or as the Case may be,*] a Lease granted by *A.B.* [*Designation*] of [*shortly describe the Subjects leased*] in the Parish of and County of , dated , and recorded [*Register, and Date of recording*], to which Bond and Assignation in Security *E.F.* [*Designation*] has acquired Right as [*specify Relationship*], and Heir of the said *I.K.*, *&c.* [*as in Form* No. 1.]

SCHEDULE (G.)

Renunciation of Lease.

I, *A.B.*, [*Designation,*] renounce as from the Term of in favour of *C.D.* [*Designation*] a Lease granted by the said *C.D.* [*or as the Case may be*] of [*shortly set forth Subjects*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording,*] and [*where the Party renouncing not the original Lessee*] my Title to which is recorded in the said Register on [*Date*].

[*Testing Clause.*]

SCHEDULE (H.)

Form of Discharge of Bond and Assignation in Security.

I, *A.B.*, [*Designation,*] in consideration of the Sum of now paid to me by *C.D.* [*Designation,*] discharge a Bond and Assignation in Security for the Sum of , granted by the said *C.D.* in my Favour [*or as the Case may be**], and which is dated and recorded in the [*Register, and Date of recording*]; and I declare to be disburdened thereof a Lease granted by *E.F.* [*Designation*] of [*shortly mention Subjects leased*] in the Parish of and County of , which Lease is dated and recorded [*Register, and Date of recording*].

[*Testing Clause.*]

* *Note.*—If Granter not original Creditor, here state his Title, and Date of recording the same.

SCHE-

SCHEDULE (J.)

Form of Minute of a Decree of Reduction.

[*Day, Month, Year, and Hours of Presentation to the Keeper.*]

Decree of Reduction obtained by *A.B.* [*Designation*] of a Lease [*or* Assignation or other Writ or Writs reduced, *as the Case may be,*] granted by *E.F.* [*Designation*], of [*shortly mention the Subjects leased*], in the Parish of , and recorded [*Register and Date of recording*], dated and extracted [*Date of Decree and extracting*], and presented by [*Name and Designation of presented*].

[N.B.—*County in which Subjects situated to be stated on the Margin.*]

Registration of Long Leases (Scotland).

A

B I L L

[As amended in committee]

To provide for the Registration of Long Leases in Scotland, and Assignations thereof.

(*Prepared and brought in by Mr. Dunlop and Sir Michael R. Shaw Stewart.*)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1857.

[Bill 67.] *Under 2 oz.*

25 *May* 1857. 20 Vict. (Sess 2.)

A

BILL

TO

Facilitate and afford more frequent Opportunities for the Registration of the Elective Franchise in England and Wales.

WHEREAS an Act was passed in the Session holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An Act to amend the "Representation of the People in England and Wales:" And whereas another Act was passed in the Session holden in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to amend the "Law for the Registration of Persons entitled to vote, and to define "certain Rights of voting, and to regulate certain Proceedings in "the Election of Members to serve in Parliament for England and "Wales;" and it is expedient to amend some Parts of the said Acts, and to make further and other Provisions to facilitate and afford more frequent Opportunities for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament in England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

2 & 3 W. 4. c. 45.

6 Vict. c. 18.

Overseers to make out annual List of Voters in Boroughs;

I. The Overseers of every City and Borough shall, on or before the *First Day of October* in each Year, make out or cause to be made out a List of all Persons who shall have occupied such Premises as under the Provisions of the said firstly recited Act would entitle him to be registered and to vote in the Election of a Member or Members of Parliament for such City or Borough for *Twelve* Calendar Months next previous to the said *First Day of October* in each Year; and such Lists shall be arranged in Wards (where the City or Borough or any Parish within the same is divided into Wards); and each Ward, and, where there are no Wards, each Parish, shall be arranged in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and shall on or before the *Fourth Day of October* in every Year print and publish Copies of the said List, and shall keep a Copy of such List, which shall be open to Perusal by any Person without Payment of any Fees, on each Day (except Sunday) between the Hours of 10 A.M. and 4 P.M., at some fit and convenient Place; and shall deliver Copies thereof to all Persons applying for the same, on Payment of a Fine of for every One hundred Names.

and publish such List;

and all Persons may peruse same, and have Copies.

Overseers shall, quarterly, make out Lists of Persons that have become entitled to vote since annual List;

II. The said Overseers shall also, on or before the *First Day of January*, the *First Day of April*, and the *First Day of July* in every Year, make out or cause to be made out a List of all Persons who shall not be on the current Register of Voters, and who shall have occupied for *Twelve* Calendar Months next previous to the said several Days such Premises as will entitle them to vote in an Election for such City or Borough, and who shall have then paid all the Poor Rates which shall have become due from them (except such as shall have become due during the preceding *Two* Months), and shall, within *Three* Days after making such additional Lists, print and publish such additional Lists, and shall allow them to be perused, and Copies to be purchased, in the same Manner as the original Lists.

and allow Perusal and give Copies.

Persons omitted in such Lists to give Claims.

III. Every Person whose Name shall have been omitted in any List of Voters for any City or Borough, and who shall claim as having been entitled to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall, on or before the *Eleventh* Days of the Months of October, January, April, and July respectively, give notice to the Overseers, and they shall insert or cause to be inserted the Names of all Persons so claiming as aforesaid in the Lists aforesaid, and shall allow such amended Lists to be perused, and Copies to be purchased, in the same Manner as the original Lists.

IV. Every

IV. Every Person whose Name shall have been inserted in any List of Voters for any City or Borough may object to any other Person, as not having been entitled, to have his Name inserted in any List of Voters for such City or Borough, and shall, on or before the *Twenty-first* Days of the Months of October, January, April, and July respectively, give or cause to be given to the Overseers his Notice of Objection in Writing, and shall also, on or before the said Days respectively, leave or cause to be left at the Place of Abode of the Person so objected to, as described in the said List, a Copy of the Notice of Objection, and every Notice of Objection shall be signed by the Party objecting as aforesaid.

Objections may be made.

V. The Overseers shall, within *Two* Days after the said *Twenty-first* Days of October, January, April, and July respectively, include the Names of all Persons objected to in a List arranged as aforesaid, and shall cause Copies of such Lists to be printed, and shall allow the same, and also the original Claims and Objections, to be perused at the same Times and in like Manner, and shall deliver Copies of the Lists of Objections to Persons desirous of purchasing the same, at the same Time and in the same Manner as the Lists of Persons entitled to vote.

Lists of Objections to be printed.

VI. On or before the *Twenty-fifth* Days of the Months of October, January, April, and July respectively, the Overseers shall deliver or transmit to the Judge of the County Court acting for the District in which such City or Borough is situated a Copy of the List of Voters and Claimants, and a Copy of the List of Objections, all signed by the Overseers.

Lists to be transmitted to County Court Judges.

VII. Every such Judge of the County Court shall, within *Fourteen* Days after the *Twenty-third* Day of the said Month of October in each Year, revise the Register of Voters and the Lists of the said several Cities and Boroughs in the same Manner as the Revising Barristers now revise the same; and shall, within *Fourteen* Days after the *Twenty-third* Days of January, April, and July respectively, revise such additional Lists of Voters, who may have become entitled since the said *First Day of October* in each Year; and every such County Court Judge shall discharge all the Duties, and shall and may have, use, and exercise all the Powers which may now by Law be exercised by Revising Barristers, and shall be bound by all the Restrictions placed upon them; and all Persons dissatisfied with the Decision of such Judge shall have the same Right of Appeal as he now has from the Decision of the Revising Barrister.

Lists to be revised by County Court Judges.

Supplemental Registers to be made.

VIII. The Persons who by Law are required to make up the Register of Voters in Cities and Boroughs shall make out a Supplemental Register of all Persons who may be inserted in such additional Lists; and all Persons whose Names appear on the Register or Supplemental Register for the Time being shall be entitled to vote at any Election which may take place after the *Fifteenth* Day of the Months of November, February, May, and July respectively.

Poor Rate the only Rate or Tax necessary to be paid for Registration.

IX. It shall not be necessary to entitle any Person to be registered as an Elector for any City or Borough that he should have paid any Assessed Tax or any other Rate, Cess, or Tax other than and except such Poor Rate as is herein-before required to be paid.

The Judges of the County Courts to revise Registers for Counties.

X. The annual Revision of the Registers and Lists of Persons entitled to vote in any County shall, in like Manner, be performed by the Judge of the County Court acting in the said County; and where more than One such Judge acts for any County, then by the Judge whose District within the County shall contain the largest Amount of Population according to the last Census; and such Judges shall perform all the Duties, and shall and may have and exercise all the Powers, of Revising Barristers.

Polls to be taken in Wards.

XI. In all Cities and Boroughs where there are Wards, and in all Boroughs any of the Parishes in which are comprised in any Schedule to a certain Act passed in the Session holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled "An Act for the better local Management of the Metropolis," and in which the Parishes or any of them are divided into Wards, the Poll at every Election for a Member or Members for such City or Borough shall be taken in Wards; and One Place for polling, and no more, shall be provided in each Ward; and, where necessary, such Polling Places shall be divided into Compartments, so that not more than *Seven hundred* Electors shall be allotted to poll in each Compartment.

Repeal of certain Provisions of recited Acts.

XII. All Provisions of the said recited Acts, so far as the same are inconsistent with the Provisions of this Act, shall be and the same are hereby repealed.

Commencement of Act.

XIII. This Act shall take effect from and after the *Thirtieth Day of September One thousand eight hundred and fifty-seven*, and shall thenceforth be taken as Part of the said recited Acts as fully as if it were incorporated therewith.

Registration of Voters.

A

BILL

To facilitate and afford more frequent Opportunities for the Registration of the Elective Franchise in England and Wales.

(*Prepared and brought in by Mr. Thomas Duncombe, Mr. Cobbett, and Mr. Butler.*)

Ordered, by The House of Commons, *to be Printed,* 25 *May* 1857.

[Bill 31.]

Under 1 *oz.*

22 *May* 1857. 20 Vict. (Sess. 2.)

(Scotland.)

A

BILL

TO

Amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An "Act to amend the Representation of the People in Scotland;" and another Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act to amend the Law for the Registration of "Persons entitled to vote in the Election of Members to serve in "Parliament for Burghs in Scotland;" and it is expedient to explain and amend some Parts of the first-recited Act, and to extend to Counties in Scotland certain of the Provisions introduced by the second-recited Act with reference to Burghs, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Preamble.

2 & 3 W. 4. c. 65.

19 & 20 Vict. c. 58.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Provisions of 2 & 3 W. 4. c. 65.

I. The Clauses and Provisions of the first-recited Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act, as fully as if it were incorporated therewith.

Certain Sections of 19 & 20 Vict. c. 58. incorporated with this Act.

II. Sections Nine, Ten, Thirteen, Fourteen, Seventeen, Twenty-three, Twenty-four, Thirty-three, Thirty-six, and Thirty-seven of the second-recited Act shall be held and taken to be Parts of this Act, and shall be extended and apply to Counties as well as to Burghs.

Sheriff Clerk to deliver annually to Assessor a Copy of the Register of Voters.

III. The Sheriff Clerk of every County shall, on or before the *Thirty-first Day of July* in the present and the *Thirtieth Day of June* in every future Year, make and cause to be delivered to the Assessor of his County a Copy of the Register of Voters then in force for such County, arranged in Parishes, the Voters in each Parish being kept distinct and separate, and arranged alphabetically under separate Heads.

Future Valuation Rolls of Counties to set forth additional Particulars.

IV. In all future Valuation Rolls to be made up in Counties in Terms of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, the Assessors of the County shall, in addition to the Particulars which are by the said Act required to be ascertained by them, and to be entered in such Roll, ascertain and enter in such Roll as after mentioned the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards, and also, where any Feu Duty or Ground Annual payable for any Subject or Subjects stated in such Roll shall be of the Amount of Ten Pounds or upwards, the Name and Designation of the Proprietor of such Feu Duty or Ground Annual, with the Amount thereof, and the Description of the Subjects out of which the same is payable, and also the Rent, calculated in Terms of the Ninth Section of the Act passed in the Second and Third Years of King William the Fourth, Chapter Sixty-five, payable by every Tenant holding any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards, under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks, or as of the yearly Value of Fifty Pounds or upwards, under

under any Lease originally granted for not less than Nineteen Years; and it shall be lawful for every such Assessor, in order to the Ascertainment of such Particulars, to exercise all the Powers which under the said Act of the Seventeenth and Eighteenth Years of Her Majesty he may lawfully exercise for the Purposes thereof.

New Form of County Valuation Rolls.

V. The Valuation Rolls of Counties shall for the future be annually made up in the Form of the Schedule A. hereunto annexed, in place of the Form at present in use; and where any Person or Persons shall be entered in such Valuation Roll in Terms of this Act as a Proprietor of Feu Duties or Ground Annuals, such Entry or Entries shall be made in a distinct and separate Form, and by way of Addition at the End thereof: Provided always, that it shall be competent to the Commissioners of Supply of any County, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County, such Alteration on the Form of the said Schedule, where this shall be found necessary or convenient, as may make it applicable to One Year only, or to any less Number of Years than *Five* Years.

Assessor to make up Lists of new Voters, and to mark on old Register Persons objected to, and dead;

VI. The Assessor of every County shall, on or before the *Fifteenth Day of August* in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule B. hereunto annexed, a List, arranged alphabetically in Parishes, of all Persons not contained in the said Copy of the Register, who, with reference to his Valuation, may be entitled to vote in the Election of a Member to serve in Parliament for such County; and in such List the Christian Name and Surname of every such Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, shall be written; and the Assessor, if he shall have reasonable Cause to believe that any Person whose Name shall appear in the Copy of the Register received by him from the Sheriff Clerk, is not entitled to have his Name upon the Register then next to be made, shall add or cause to be added the Word "objected" before the Name of such Person on the Margin of such Copy of the Register; and the Assessor shall also add or cause to be added the Word "dead" before the Name of every Person in such Copy of the Register whom he shall have reasonable Cause to believe to be dead; and the Assessor shall, on or before the *Fifteenth Day of August* in every Year, publish an Advertisement in some One or more Newspapers circulating in the County, setting forth that he has prepared such List, and also a List arranged alphabetically in Parishes, of the Persons already on the Register objected to by him, and believed by him to be dead, respectively as aforesaid, and shall specify in such Advertisement the

and to publish such Lists;

the Office or Place at which such Lists and Copy of the Register will be open to Perusal as after mentioned, and shall likewise cause a sufficient Number of Copies of such Lists and of such Copy of the Register, with all such marginal Additions as aforesaid, to be written or printed, and shall keep a Copy of each such List and the said Copy of the Register, with the marginal Additions thereon, signed by him, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, from the *Sixteenth* to the *Twenty-fifth Days of August*, both inclusive, and shall deliver Copies thereof, or of any Parish or Part thereof, signed by him, to all Persons applying for the same, on Payment for every such Copy after the Rate contained in the Table Number 1. of the Schedule C. hereunto annexed: Provided always, that if any Person who may desire not to be inserted in such first-mentioned List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and all Persons may have Copies.

Persons omitted in List of new Voters or Copy of Register to lodge Claims;

VII. Every Person whose Name shall have been omitted in any such first-mentioned List or such Copy of the Register, and who shall claim as having been entitled on the *last Day of July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List or Copy of the Register, shall, on or before the *Twenty-fifth Day of August* in such Year, give a Notice according to the Form Number 2. of the said Schedule B., or to the like Effect, to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in alphabetical Lists according to the Form Number 3. of the said Schedule B. signed by him.

and Assessor to make up List of Claimants.

Objections may be lodged by Voters on Register.

VIII. In every Year any Person upon the Register for the Time being for any County may object to any other Person as not having been entitled on the last Day of July next preceding to have his Name inserted in any List of Voters for such County; and every Person so objecting (except Assessors objecting as aforesaid) shall, on or before the *Twenty-fifth Day of August* in such Year, give or cause to be given to the Assessor of such County a Notice according to the Form Number 4. of the said Schedule B., or to the like Effect; and shall also, on or before such *Twenty-fifth Day of August*, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode, as described in such List, a Notice according to the Form Number 5. of the said Schedule B., or to

to the like Effect; and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

List of Persons objected to to be made up and published.

IX. The Assessor of the County shall in every Year include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year, in a List arranged alphabetically in Parishes, according to the Form Number 6. of the said Schedule B., and shall, on or before the *First Day of September* in such Year, publish an Advertisement in some One or more Newspapers circulating in such County, setting forth that he has prepared such Lists of Persons claiming and objected to, and shall specify in such Advertisement the Office or Place at which such Lists will be open to Perusal as after mentioned, and shall keep a Copy of such Lists, and also the Notices of Claims and Objections which he shall have received, unless when in use in the Registration Court, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, during the First *Fourteen* Days of the said Month of *September;* and shall deliver Copies of such Lists, or either of them, signed by him, to any Person requiring the same, on Payment for each Copy after the Rate contained in the Table Number 1. of the said Schedule C.

Assessor to deliver Lists, &c. to Sheriff Clerk.

X. On or before the *Twenty-ninth Day of August* in each Year the Assessor of the County shall deliver to the Sheriff Clerk of the County the said Copy of the Register, with the marginal Additions thereon, and the said first-mentioned List, and also the said Lists of Persons claiming and objected to, respectively signed by him as aforesaid.

Assessor to be nominated specially for this Act.

XI. Where in any County there shall be more than One Assessor in and for such County, it shall be the Duty of the Commissioners of Supply of such County, as soon as may be after the *passing of this Act*, and at latest within *Three* Weeks after the passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act, and also to make public Advertisement of such Appointment in some One or more Newspapers circulating in such County, and failing such Appointment and Advertisement being duly made the same shall be made by the Sheriff of the County within *Five* Weeks at latest after the *passing of this Act;* and every such Assessor so appointed shall from the Date of his Appointment be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any County an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Commissioners of Supply, at latest

within *Three* Weeks thereafter, to appoint another Assessor to act as aforesaid, and to make public Advertisement of such Appointment as before mentioned; and in the event of such Commissioners failing to do so such Appointment and Advertisement shall be made by the Sheriff of the County within *Five* Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such County shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessors disqualified from voting.

XII. Every Assessor in any County shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such County.

Provision for filling up, ad interim, Offices on which Duties are imposed by this Act.

XIII. Where in any County any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County, and he is hereby authorized and required, in case it shall appear to him to be necessary or expedient for the carrying out of the Purposes of this Act, to appoint a Person to perform ad interim the Duties of such Office, so far as necessary; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XIV. Any Person whose Name shall be on any List of Voters for the Time being for any County, or who shall have claimed to have his Name inserted in any such List, may, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, between the *Sixteenth* Day of August and the *Thirty-first* Day of October, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Sheriff Clerk to transmit Abstracts of Lists to Sheriffs.

XV. Each Sheriff Clerk respectively shall, on the *Twenty-ninth Day of August* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and List of Persons

Persons objected to in his County to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in each District thereof.

Sheriff Clerk to hold Courts for revising County Lists.

XVI. Every Sheriff Clerk shall, on receiving from the Sheriff, in Terms of the Nineteenth Section of the second-recited Act, written Notice of the Days on which he is to hold his Courts for revising the Register of Voters of the County, forthwith cause public Notice of such Registration Courts to be given by Advertisement in One or more Newspapers circulating within such County, and shall cause a Copy of such Notice, written or printed, to be delivered to the Clerk of Supply and to each of the Assessors of such County, and shall require them to attend at the Courts therein appointed for the Revision of such Register of Voters.

Sheriff Clerk, &c. to attend County Registration Courts, and produce Lists, Valuation Rolls, &c.

XVII. The Sheriff Clerk of every County, at the opening of the First Court as aforesaid, shall deliver to the Sheriff the Lists of Voters for the then current Year, that is to say, the List first mentioned made up by the Assessor, the Copy of the Register, with the marginal Additions as aforesaid, and the Lists of Persons claiming and objected to in the said Year, relating to such County, and also, from and after the Year *One thousand eight hundred and fifty-seven*, One or more printed Copies of the Register of Voters then in force for the said County; and the Clerk of Supply and all the Assessors of the County shall attend the Courts to be holden as aforesaid for revising the Lists of such County, and the Assessors shall deliver to the Sheriff the original Notices of Claim and Notices of Objection; and it shall be the Duty of the Person having the Custody for the Time of the Valuation Roll then in force to have the same on the Table of such Registration Court; and the Sheriff Clerk, Clerk of Supply, and Assessors shall respectively produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

County Voters may be transferred from one Polling District to another.

XVIII. Any Person whose Name shall appear in the List of Voters of any Parish in and for any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in any such List, and whose Place of Abode shall not be within the same County, shall be

at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall then be lawful for the Sheriff to insert in the List of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at any contested Election for the said County at such last-mentioned Polling Place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

Claimants omitted in County Lists may be enrolled by Sheriff.

XIX. If any Person who shall have given to the Assessor of any County due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such County shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the *last Day of July* last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

But Claims omitted may be objected to.

XX. It shall be lawful for any Person whose Name shall be on any List of Voters for any County to oppose the Claim of any other Person to have his Name inserted in the List of Voters for the same County; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of such Claim, give Notice in Writing to the Sheriff of his Intention to oppose such Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of such Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

County Assessor to support his Objections at Registration and Appeal Courts.

XXI. It shall be the Duty of every County Assessor to support by Evidence, so far as necessary, at the Registration Court and Court of Appeal, every Statement and Objection set forth by him on the List of Voters or Copy of the Register, unless in so far as he may have become satisfied that such Statement or Objection is not well founded; and it shall also be competent to any Person on the Register or List of Voters for such County to support, by himself, his

his Agent or Mandatory, any Statement or Objection made by such Assessor.

XXII. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, but so that no such adjourned Court shall be holden after the *Thirtieth Day of September* in any Year; and at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly.

Sheriffs may adjourn Registration Courts, but to conclude Business by *30th Sept.* annually.

XXIII. On the Revision of the Lists of Voters for any County in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the *First Day of October* in such Year, deliver the same to the Sheriff Clerk of such County; and it shall be the Duty of such Sheriff Clerk to retain the same in his Possession, and to produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Sheriff Clerk, for Production at Appeal Court.

XXIV. All Sheriff Clerks, Clerks of Supply, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act, shall be bound to give the like Attendance, and to make the like Productions in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Sheriff Clerks, &c. to attend Appeal Courts.

XXV. The Sheriff Clerk of every County shall forthwith after the *Thirty-first Day of October* in each Year, or sooner if the Appeal Court shall be earlier concluded, cause the Lists of Voters for such County, signed as aforesaid, to be copied and printed in a Book or Books, arranged with the Names in each Parish in strict alphabetical Order according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish within the said Polling District likewise in Alphabetical Order; and shall, after the last List for such Polling District, insert an additional List, in like alphabetical Order, of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall, in manner herein-before mentioned, have been registered to vote at the Polling Place of such last-mentioned District, and shall in such

Sheriff Clerk to print County Lists, and authenticate them.

Book prefix to every Name its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such additional List inserted after the last List for every Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form, that the List of Voters of and for each and every separate Parish and Polling District contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists of every or any Polling District, or the List of every or any single Parish, may be ready for the Purposes of this Act, or for Sale; and the said Sheriff Clerk shall sign such Book or Books, and deliver the same, on or before the *Thirtieth* Day of November in the then current Year, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XXVI. Such printed Book or Books so signed by the Sheriff Clerk, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same County between the *Thirty-first Day of October* in the Year wherein such Register shall have been made and the *First Day of November* in the succeeding Year; and the Sheriff Clerk of every County shall keep printed Copies of such Register for such County, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same, upon Payment after the Rate contained in the Table Number 2. of the Schedule C. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Polling District of a County, without taking or paying for the whole that relates to such Parish or Polling District respectively: Provided also, that the Register of Electors now existing shall be the Register in force until the *First Day of November* in the Year *One thousand eight hundred and fifty-seven:* Provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County; and such Correction shall be made by the Sheriff writing such Correction on such printed Book, and signing his Name and the Date of such Correction against the same.

XXVII. Every

XXVII. Every Register of Voters established or that shall be established for any County shall continue to be the Register for such County until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Register of Voters to be in force till new Register established.

5 XXVIII. When any of the Days on which or before which any Acts and Proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a Sunday, then and in that Case the several Acts and Proceedings appointed to take place on or before such Day shall take place on or before the Day next ensuing.

When a Sunday is last-named Day, the Day after to be the last Day.

10 XXIX. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money 15 not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Penalty on Persons not attending Registration Courts when required.

XXX. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under 20 this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in any ordinary Action; and all Witnesses and Havers who 25 may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be so cited their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXI. Any Assessor of any County who shall wilfully refuse 30 or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wil- 35 fully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice or List or Copy of any Register of Voters, at the Time and in the Manner required by this Act, and any Sheriff Clerk who shall culpably neglect to print a correct 40 Register of Voters pursuant to this Act, and any Assessor or Sheriff Clerk who shall be wilfully guilty of any other Breach of Duty in the

Penalties on Assessors and others for Neglect of Duty.

the Execution of this Act, shall for every such Offence be liable to pay by way of Fine a Sum of Money not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any such Fine shall affect or abridge any Right of Action against any Assessor or other Person liable to any such Fine or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XXXII. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom such Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any County, he shall pay over the Sum so received by him to the Assessor of such County, for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XXXIII. The Sheriff Clerk of every County shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor of such County, for the Purposes of this Act; and in like Manner every Assessor in every County shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessors specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

XXXIV. As soon as may be after the Completion of each annual Registration under this Act, the Commissioners of Supply of each County shall cause an Account to be made up of the Cost and Expenses attending such annual Registration in such County, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors which they may deem proper, and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor of such County, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Commissioners of Supply shall cause the Amount of such Excess to be apportioned upon the Parishes within

within such County according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some one or other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any County arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of such County in such Manner as they may deem fit for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no County shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which under the Provisions of this Act may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

XXXV. At every future Election of a Member or Members to serve in Parliament for any County, the Register of Voters so made as aforesaid, or under the said recited Act, shall be deemed and taken to be conclusive Exidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take the Oath of Possession.

Penalty on Persons wilfully contravening this Act.

XXXVI. Every Sheriff, Sheriff Clerk, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of *One hundred Pounds*, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer according to any Law now in force.

Misnomer not to vitiate.

XXXVII. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the

Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice as to be commonly understood; and it shall be lawful to any Sheriff in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Sheriff Principal or Appeal Sheriffs to issue Regulations for carrying Act into effect.

XXXVIII. It shall be in the Power of the Sheriff Principal of each County, or of the Sheriffs constituting any Court of Appeal under the said first-recited Act, with Consent of the Lord Adaocate, to issue any Regulations he or they shall find necessary in order to carry this Act into effect during this present Year Eighteen hundred and fifty-seven; and in case any Claims or Objections with reference to any County shall be given in during this present Year, in Terms of the said first-recited Act, the same shall be transmitted by the Schoolmaster or Sheriff Clerk to the Assessor, and, in so far as not given Effect to by him, shall be included in the List of Claimants and of Persons objected to respectively, to be published in terms of this Act; and any Notices given in Terms of the said first-recited Act, prior to the passing of this Act, which in consequence thereof are unnecessary or inconsistent with the Provisions of this Act, shall be of no Effect.

Interpretation Clause.

XXXIX. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the County in and for which he is Assessor appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the County in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Words "Oath of Possession" shall mean and include the Words, "That I am still the Proprietor (or Occupant) "of the Property for which I am so registered, and hold the same "for my own Benefit, and not in trust for or at the Pleasure of any "other Person;" and the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such Sheriff Clerk.

17 & 18 Vict. c. 91.

XL. The

XL. The first-recited Act, and also all Laws, Statutes, and Usages now in force, are hereby repealed, so far as may be necessary to give full Effect to the Provisions of this Act, but no further or otherwise. Acts, &c. repealed.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.			1854.	1855.	1856.	1857.	1858.
							£ s.	s.	£	£	£	£	£
1	Farm of - -	A. B. of C. -	E. F., residing at .	—	G. H., residing at .	—	10 10	5	60	—	—	—	—
	—	—	—	—	—	—	—	—	—	60	—	—	—
	—	—	—	—	—	—	—	—	—	—	65	—	—
	—	—	—	—	—	—	—	—	—	—	—	65	—
	—	—	—	—	—	—	—	—	—	—	—	—	65
2	Manor House and Grounds of .	A. B. of C. -	L.M., Advocate	L. M., Advocate	—	—	—	—	40	—	—	—	—
	—	—	O.P. of Q. -	—	—	—	—	—	—	40	—	—	—
	—	—	—	—	—	—	—	—	—	—	40	—	—
	—	—	—	—	—	—	—	—	—	—	—	40	—
	—	—	—	—	—	—	—	—	—	—	—	—	40

Proprietors of Feu Duties and Ground Annuals.

No.	Proprietor of Feu Duty or Ground Annual.	Description of Subject.	Proprietor of Subject.	Amount of Feu Duty or Ground Annual.				
				1854.	1855.	1856.	1857.	1858.
				£	£	£	£	£
350	K.L. of M. -	Houses and Ground in Village of .	C.D., residing at .	15	—	—	—	—
	—	—	—	—	15	—	—	—
	—	—	—	—	—	15	—	—
	—	—	—	—	—	—	15	—
	—	—	—	—	—	—	—	15

SCHEDULE B.

No. 1.

County of .

The List of Persons entitled to vote in the Election of a Member for the County of in respect of Property situate in whole or in part within the following Parishes:

(1.) Parish of

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any) or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them, and the Situation of the Property.

(Signed) *A.B.*
Assessor of the County of .

No. 2.

Form of Notice of Claim to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, That I claim to have my Name inserted in the List of Persons entitled to vote in the Election of a Member for the County of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) *C.D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 3.

County of

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member for the County of

(1.) Parish of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 4

Form of Notice of Objection to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I object to the Name of the Person mentioned and described below being retained in the List of Persons entitled to vote in the Election of a Member for the County of

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described in List, or Designation as in Register.	Nature of Qualification as so described.	Street, Lane, or other Place where the qualifying Property is situate, &c., as described in the List or Register.	Parish in which Property is situate.

Dated the Day of in the Year 185 .

(Signed) *E.F.*

(*Place of Abode.*)

No. 5.

No. 5.

Notice of Objection to be given to Parties objected to by any Person other than Assessors.

County of , Parish of

To Mr. of .

Take notice, That I object to your Name being retained in the List of Persons qualified to vote in the Election of a Member for the County of

Dated this Day of 185 .

(Signed) *E.F.*
(*Place of Abode.*)

No. 6.

List of Persons objected to, to be published by Assessors.

County of .

The following Persons have been objected to, as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member for the County of .

(1.) Parish of .

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any), or Name of the Property, and Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them, and the Situation of the Property.

(Signed) *A.B.*,
Assessor of the County of .

SCHEDULE C.

No. 1.

Table of Rates of Payment to be demanded and paid for any List or Copy of a List (other than a Register) where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons Names :—

	s.	d.
Not exceeding 100 Names - - -	0	6
Exceeding 100 and not exceeding 200 - -	1	0
Exceeding 200 and not exceeding 300 - -	1	6
Exceeding 300 and not exceeding 400 - -	2	0
Exceeding 400 - - - -	2	6

No. 2.

Table of Rates of Payment to demanded and paid for any Copy of a Register or Part of any Register where a Payment is required and authorized by this Act.

For every Copy of any Register or any Parts of any Register containing any Number of Persons Names:

	s.	d.
Not exceeding 1,000 Names - - -	1	0
Exceeding 1,000 and not exceeding 3,000 -	2	6
Exceeding 3,000 and not exceeding 6,000 -	5	0
Exceeding 6,000 and not exceeding 9,000 -	7	6
Exceeding 9,000 - - - -	10	0

Registration of Voters.

(Scotland.)

A

BILL

To amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland.

(Prepared and brought in by The Lord Advocate, Sir George Grey, and Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed,* 22 *May* 1857.

[Bill 30.]

Under 2 oz.

20 *July* 1857. 20 & 21 Vict.

A

BILL

INTITULED

An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland.

WHEREAS by an Act passed by the Parliament of Ireland in the Fortieth Year of His Majesty King George the Third, intituled "An Act to regulate the Mode by which "the Lords Spiritual and Temporal, and the Commons, to serve in "the United Kingdom on the Part of Ireland, shall be summoned and "returned to the said Parliament," certain Provisions were made for regulating the Proceedings in relation to the Elections of Representative Peers for Ireland, and it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

40 G. 3. (I.)

I. On any Seat of the Twenty-eight Lords Temporal being hereafter vacated, the Writ to be issued, according to the Provisions of the said Act of the Parliament of Ireland, under the Great Seal of the United Kingdom, to the Chancellor, Keeper, or Commissioners of the Great Seal of Ireland, shall direct him or them to cause Writs to be issued by the Clerk of the Crown in Ireland to the Peers entitled

How Writs to be issued in future on Occasion of Seat of a Temporal Peer of Ireland being vacated.

entitled to receive the same according to the Provisions of the said Act, and also to every Peer in respect to whose Right to vote at the Election of Representative Peers the House of Lords shall have directed a Certificate to be sent to the Clerk of the Crown in Ireland, stating that the Chancellor or Keeper of the Great Seal of the United Kingdom had reported to the House that the Right of such Peer to vote had been established to his Satisfaction, and that the House had ordered such Report to be sent to the said Clerk of the Crown in Ireland, and all the Provisions of the said Act applicable to Temporal Peers receiving Writs under the same, and to the Writs issued to such Peers, shall be held to apply to Temporal Peers receiving Writs, and to the Writs issued under this Act.

As to Returns to such Writs.

II. Any Peer of Ireland who shall have taken and subscribed in the House of Lords the Oaths which are or shall be by Law required to be taken and subscribed by the Lords of the United Kingdom before they can sit and vote in the Parliament thereof may make Return to a Writ issued under this or the said Act, in the same Manner as a Representative Peer on the Part of Ireland who has taken and subscribed the said Oaths in the House of Lords is permitted to do under the said Act, and any Peer of Ireland receiving such Writ may take and subscribe the said Oaths in Her Majesty's High Court of Chancery in England as well as in Ireland, or in Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in England or Ireland, or in the Court of Session in Scotland, or before the Lord Ordinary of the said Court, or before the Lieutenant of any County in Great Britain or Ireland, or any Member of Her Majesty's Privy Council in Great Britain or Ireland, or any Judge of a County Court in England, or any Sheriff in Scotland, or any British Ambassador or Minister accredited to any Foreign Court, or the Secretary of any British Embassy or Mission, or the Governor, Lieutenant Governor, or Officer administering the Government of any of Her Majesty's Plantations, Colonies, or Possessions abroad, or any of Her Majesty's Judges residing therein, and the Registrar or other proper Officer of every such Court; and every Person above mentioned before whom the said Oaths shall be taken and subscribed shall certify the same, and sign such Certificate, which shall be transmitted by such Peer with the Return in the Manner prescribed in the said Act.

Representative Peers (Ireland).

A

BILL

INTITULED

An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland.

(*Brought from the Lords* 20 *July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1857.

[Bill 139.]

Under 1 *oz.*

25 *June* 1857. 20 & 21 Vict.

A

BILL

TO

Enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin.

WHEREAS by an Act of the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter Eighty-eight, the Chairman of Sessions for the County of Dublin was empowered to register Voters for the City of Dublin, and to discharge the Duties of all Registries subsequent to the first by Deputy: And whereas by an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, the said Chairman and his Deputy, having Jurisdiction under the said recited Act of King William the Fourth, were, and each of them was, empowered to hold a Court for the Purposes of the new Registration and the annual Revision of the Lists in the said Act of Her present Majesty mentioned: And whereas by an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, the Lord Lieutenant was empowered, on the Death, Resignation, or Removal of the then Chairman of Sessions for the County of Dublin, to nominate and appoint an Assistant Barrister for

Preamble.
2 & 3 W. 4. c. 88. ss. 44. 68.
13 & 14 Vict. c. 69. ss. 117. 44, 45, 46.
14 & 15 Vict. c. 57. ss. 2. 161.

for the said County in the Place and Stead of a Chairman of Sessions, and also to nominate and appoint a practising Barrister, qualified as by the said Act of the Fourteenth and Fifteenth Years of Her present Majesty is provided, during good Behaviour, to discharge the Duties imposed upon the said Chairman by the said Act of the Second and Third Years of King William the Fourth, with respect to the Registration of Voters in and for the City of Dublin, and subject to the like Provisions, with the like Powers, and to be remunerated in like Manner as if he had been appointed a Deputy of said Chairman: And whereas by an Act of the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Fifty-eight, intituled "The Dublin Parliamentary Revising Act, 1853," it was recited, that by reason of the great Number of Persons claiming to be registered in and for the City of Dublin it was expedient to empower the said Chairman of Sessions to appoint additional Deputies, and it was thereby enacted, that the said Chairman, with the Consent of the Lord Lieutenant, should, by Warrant under his Hand, nominate and appoint any Number of Barristers of the Irish Bar not exceeding Three, of Six Years standing at the least, (to be called Revising Barristers,) to be in the Place and Stead of the said Chairman of Sessions in order, by Subdivision between them, to discharge the Duties imposed on the said Chairman by the said recited Acts of the Second and Third Years of the Reign of King William the Fourth and Thirteenth and Fourteenth Years of Her present Majesty; but no Power was given to the Lord Lieutenant, on the Death, Resignation, or Removal of the Chairman of the Sessions for the County of Dublin, to appoint more than One Barrister to discharge the Duties aforesaid: And whereas upon the Death of Henry Kemmis, Esquire, late Chairman of Sessions for the County of Dublin, an Assistant Barrister for the said County was appointed, and the said Office of Chairman of Sessions for the said County has ceased to exist, and the Authority of the Deputies of the said Chairman has determined, and the Lord Lieutenant has, pursuant to the said recited Provision of the said Act of the Fourteenth and Fifteenth Years of Her present Majesty, nominated and appointed Henry O'Hara, Esquire, to discharge the Duties of registering Voters for the City of Dublin: And whereas by reason of the great Number of Claims and Objections to be disposed of in the Revision of the Lists and Registration of Voters for the City of Dublin it is necessary to make further Provision for the Purpose of securing a complete annual Revision of Lists and Registry of Voters for the said City: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

16 & 17 Vict. c. 58.

present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. Instead of One Barrister whom the Lord Lieutenant has Power to appoint, under Section One hundred and sixty-one of the said recited Act of the Fourteenth and Fifteenth Years of Her present Majesty, the Lord Lieutenant shall have Power to appoint Two Barristers, qualified as by said Section is provided, to discharge the Duties therein mentioned.

Lord Lieutenant may appoint Two Barristers under Civil Bill Act.

II. The Barristers so to be appointed shall be called "Dublin Revising Barristers," and shall discharge the said Duties relating to the Registration of Voters for the City of Dublin as fully and effectually as if the said Office of Chairman of the Sessions of the Peace for the County of Dublin had continued, and the said Barristers had been appointed by the said Chairman under the said recited Act of the Sixteenth and Seventeenth Years of Her present Majesty, and each Barrister so appointed shall be entitled *to the Remuneration provided by Section One hundred and sixty-one of the said recited Act of the Fourteenth and Fifteenth Years of Her present Majesty for the Barrister to be appointed under the said Section.*

Powers, Duties, and Remuneration of Revising Barristers.

III. Upon any Vacancy by Death, Resignation, or Removal, in the Office of any Revising Barrister so already appointed or to be from Time to Time appointed, the Lord Lieutenant shall have Power to appoint a Barrister qualified as aforesaid to the Office of Revising Barrister so becoming vacant.

Upon a Vacancy a new Appointment may be made.

IV. No Revising Barrister under this Act shall proceed to act as such Revising Barrister until he shall have first taken the following Oath before the Lord High Chancellor or Keeper or any Commissioner of the Great Seal of Ireland for the Time being, who are hereby respectively authorized to administer the same; that is to say,

Oath to be taken before acting. 14 & 15 Vict. c. 57. s. 3.

'I A.B. do swear, That I will execute the Office of Revising Barrister for the City of Dublin diligently, justly, and impartially, and without Favour, Affection, or Malice; do equal Right to all the Queen's Subjects that shall come within my Jurisdiction; and that I will in all things, to the best of my Skill and Power, faithfully execute all the Duties imposed or that shall hereafter be imposed on me in virtue of such Office. So help me God.'

Oath.

V. In case it shall appear to the Satisfaction of the Lord Chancellor, Keeper, or Commissioners of the Great Seal of Ireland for the Time being that any such Revising Barrister is unable, from Absence or Illness, to discharge his Duties as such Revising Barrister, it shall be lawful for the Lord Chancellor, Keeper, or any Commissioner of the Great Seal for the Time being to nominate and appoint some other Barrister,

In case of Illness or Absence of Revising Barrister, Chancellor may appoint Deputy. 14 & 15 Vict. c. 57. s. 7.

Barrister, qualified as by this Act is provided in the Case of an original Appointment, to do the Duty of such Revising Barrister for such Time as such Illness or Absence shall continue; and every Person so appointed to do temporarily the Duty of a Revising Barrister shall have all and every the Powers and Authorities of such Revising Barrister during the Continuance of the Illness or Absence of such Revising Barrister. 5

Remuneration of Deputies.

VI. Every Barrister appointed temporarily to discharge the Duties of such Revising Barrister during the Illness or Absence of such Revising Barrister shall receive for the Discharge of such Duties the Remuneration to which such Dublin Revising Barrister would have been entitled had he discharged such Duties. 10

Barrister appointed under Civil Bill Act to be Revising Barrister.

VII. The said Henry O'Hara, Esquire, so nominated and appointed pursuant to the said recited Act of the Fourteenth and Fifteenth Years of Her present Majesty to discharge the Duties of registering Voters for the City of Dublin, shall be one of the Revising Barristers under this Act, and shall hold the said Office of Revising Barrister in all respects as if he had been nominated and appointed to said Office of Revising Barrister under this Act. 15

Revising Barristers (Dublin).

A

BILL

To enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin.

(*Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 90.]

Under 1 *oz.*

Sale of Beer, &c. Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Repeal of Provisions of Acts under which Application is made to and Grants made by the Excise of Licences for the Sale of Beer by retail, except in the Case of Licences heretofore granted more than Six Months before the Commencement of this Act, until forfeited, withdrawn, or interrupted; 2.

All Licences, except as before specially provided, for the Sale of Beer by retail, to be granted by Justices in Special Session; 3.

All Licences granted within Six Months next before the Commencement of this Act to be in force only until the next Special Session for licensing; 4.

On the Death of a licensed Person the Executors or Administrators, or the Widow or Child, may be authorized to sell for the Remainder of the Term of Licence; Repeal of Sect. 8. of 3 & 4 Vict. c. 61.; 5.

Mode of Proceeding by Persons desirous to apply to Justices for a Licence; Notice to be given to the Superintendent Police Officer of Intention; 6.

Justices in granting Licences to be guided by the Wants of the Population, &c.; Power to inquire into the rateable Value of Houses for which a Licence is desired; 7.

Form of granting Licences by Justices; on their Grant Excise to issue Licence in same Form and on same Payment as before; 8.

Repeal of Sect. 17 of 3 & 4 Vict. c. 61.; 9.

Penalties and Forfeitures in Cases of Collusion and Fraud in applying for or obtaining Licence, and in Cases of Third Conviction; Notice of Forfeiture to be given to the Excise; 10.

Appeal to Quarter Sessions in Cases of Forfeiture; 11.

Fee to Clerk of Justices for Grant of Licence, and Penalty for demanding more; 12.

No Debt for Beer drunk on the Premises recoverable unless sued for within a Week; Penalty on retail Beersellers taking Pawns for Beer; 13.

Provisions of this Act with respect to the Sale of Beer to apply to the Sale of Cider; 14.

Provisions of former Acts relating to Sale of Beer by retail now in force and not altered by this Act to be read with and be applicable to this Act; 15.

Coffee Shops and Places of Public Entertainment kept open at Night must have a Licence from Two Justices at Petty Sessions; Sum to be paid for Licence; Fee to Clerk of Justices for Licence, and Penalty for demanding more. Clerk to account with Collector of Excise, and to provide correct List of licensed Coffee Shops, &c. open to Inspection; 16.

Penalty on keeping open unlicensed Coffee Shops at Night; 17.

Coffee Shops kept open at Night or licensed, subject to Supervision and Control of Police; 18.

Penalties for allowing intoxicating Liquors to be provided in Coffee Shops, and for suffering Gambling to go on, or Prostitutes, &c. to assemble and continue therein; 19.

Penalty on drunken and disorderly Persons refusing to quit licensed House on Request; Constables required to assist in expelling them; 20.

Penalty on Persons found drinking in licensed Houses at unlawful Hours; 21.

Interpretation Clause; 22.

Short Title of Act; 23.

SCHEDULE.

A

BILL

TO

Amend the Laws relating to the general Sale of Beer and Cider by retail in England, and to regulate certain Places of Public Resort, Refreshment, and Entertainment.

WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to permit the general Sale of Beer and Cider by "retail in England:" And whereas another Act was passed in the Fifth Year of the Reign of His said late Majesty, intituled "An Act to "amend an Act passed in the First Year of the Reign of His present "Majesty, to permit the general Sale of Beer and Cider by Retail in "England:" And whereas another Act was passed in the Fourth Year of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Act relating to the general Sale of Beer by "retail in England:" And whereas it is expedient further to amend the said Acts, and to make Provision for the better Regulation of certain Places of Public Refreshment, Resort, and Entertainment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

11 G. 4. & 1 W. 4. c. 64.

4 & 5 W. 4. c. 85.

3 & 4 Vict. c. 61.

I. This Act shall commence and take effect on and from *the First Day of September One thousand eight hundred and fifty-seven.*

Commencement of Act.

Repeal of Provisions of Acts under which Application is made to and Grants made by the Excise of Licences for the Sale of Beer by Retail; except in the Cases of Licences heretofore granted more than Six Months before the Commencement of this Act; until forfeited, withdrawn, or interrupted.

II. So much of the Acts 1 Will. 4. c. 64., 4 & 5 Will. 4. c. 85., and 3 & 4 Vict. c. 61. as relates to the Application to the Excise for and Grants by the Excise, or any Officers thereof, of Licences for the Sale of Beer and Cider by retail, shall be and is hereby repealed; and no such Licences shall be issued by the Excise, or any Officer thereof, except upon such Grant by the Justices as is herein-after mentioned: Provided always, that where any Licence has been heretofore granted by the Excise to and is at the Commencement of this Act held by any Person for the Sale of Beer by retail (except where such Licence has been first granted within *Six* Calendar Months next before the Commencement of this Act), every such Licence shall Year by Year be renewed and continued to such Person on Application to the Excise, or the Officers thereof, as if this Act had not passed: Provided further, that no such Licence shall be so renewed or continued by the Excise after any Forfeiture, Withdrawal, or Interruption of such Licence, or after Conviction of such licensed Person for having transgressed or neglected the Conditions and Provisions specified in such Licence.

All Licences, except as specially before provided for the Sale of Beer by retail, to be granted by Justices in Special Session.

III. After this Act shall have commenced and taken effect all Licences, except as is herein-before provided, for the Sale of Beer by retail, shall yearly be granted by the Justices assembled at a Special Session for the General Annual Licensing Meeting, or at some Adjournment thereof for granting Licences to keep Inns, Alehouses, and Victualling Houses for the Division, Borough, or Place within which such Licences for the Sale of Beer by retail are sought for, to such Persons and for such Houses as they the said Justices shall in the Exercise of their Discretion deem fit and proper; and the Provisions of the Sixth Section of 9 Geo. 4. c. 6. shall apply and be in force with respect to Justices granting Licences for the Sale of Beer by retail.

All Licences granted within Six Months next before the Commencement of this Act to be in force only until the next Special Session for licensing.

IV. All Licences for the Sale of Beer by retail which shall have been granted by the Excise within the *Six* Calendar Months next before the Commencement of this Act shall continue in force only until the then next Session held by the Justices for granting Licences as aforesaid in the Division, Borough, or Place within which such Licences were granted by the Excise.

On the Death of a licensed Person the Executors or Administrators, or

V. Upon the Death of any Person, licensed to retail Beer or Cider under the said recited Acts or this Act, before the Expiration of his Licence, it shall be lawful for any Two Justices, and they are hereby required, on Proof to them given of the good Character of the Person applying for such Authority, to authorize and empower, by Endorsement on the Licence granted to such deceased Person, the Executors

or

or Administrators, or the Widow or Child of such deceased Person, or to any other Person acting for such Executors, Administrators, Widow, or Child, who shall be possessed of and occupy the Dwelling House and Premises before used for such Purpose, to continue to retail Beer 5 and Cider in the same House and Premises during the Residue of the Year for which such Licence was originally granted, without taking out any fresh Licence or Payment of any additional Duty thereon; and Section 8. of 3 & 4 Vict. c. 61. is hereby repealed.

Widow or Child, may be authorized to sell for the Remainder of the Term of Licence.

Repeal of s. 8. of 3 & 4 Vict. c. 61.

VI. Every Person intending to apply to the Justices for a Licence 10 to sell Beer by retail shall, *Twenty-one* Days at least before the Special Session at which such Application is intended to be made, give Notice of such his Intention to the Superintendent Police Officer or Chief Constable of the Division, Borough, or Place within which the House for which he intends to apply for such Licence is situate, 15 and shall in such Notice set forth and insert the Christian Name and Surname of the Party intending to apply for such Licence, and a Description of the House or Premises in which Beer is intended to be sold by retail by such Person, together with the Christian Names and Surnames and the Occupation and Residence of the Person or Persons 20 who shall be proposed as Surety or Sureties for the Party so intending to apply for such Licence; and such Person so intending to apply shall affix or cause to be affixed a like Notice on the outer and most public Door of such House, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and 25 where there shall be no Church or Chapel on some other public and conspicuous Place within such Parish or Place on the *Three* several Sundays next before the Session at which such Application is intended to be made.

Mode of Proceeding by Persons desirous to apply to Justices for a Licence.

Notice to be given of Intention.

VII. The Justices at such Session, in hearing the Application for 30 and considering the Propriety of granting any Licence for the Sale of Beer by retail, shall inquire into the Number of licensed Houses for the Sale of intoxicating Liquors then existing within the District or Place within which such Licence for the Sale of Beer by retail is desired, the Number of the Population within such District and its 35 Requirements, the Character of the Applicant and his Sureties, and the Fitness of the House for which such Licence is applied for; and shall, if they deem it right, require Proof to be given that the House for which such Licence for the Sale of Beer by retail is desired is of the full rateable Value at which it appears on the Rate Book to 40 be rated to the Relief of the Poor.

The Justices to be guided in Grants of Licences by the Necessities of the Population, &c.

Power to inquire into rateable Value of Houses for which a Licence is desired.

VIII. Every Grant of a Licence for the Sale of Beer by retail made by Justices under the Authority of this Act shall be signed by the

Form of granting Licences by Justices.

the Chairman of the Special Session at which such Grant shall be made for and on behalf of the said Justices, or the Majority of them, in the Form prescribed in the Schedule (A.) to this Act annexed; and thereupon, and upon the Person requiring the Licence entering into the Bond required by Section Fourth of 11 Geo. 4. and 1 Will. 4., with Two Sureties, certified by the Justices at such Session, in the Form provided in the said Schedule (A.), such Licence shall be signed, sealed, and issued by the Excise in the same Form and on the same Payment as was in use before this Act passed.

On their Grant Excise to issue Licence in same Form and on same Payment as before.

Repeal of s. 17. of 3 & 4 Vict. c. 61.

IX. That the Seventeenth Section of 3 & 4 Vict. c. 61. be and the same is hereby repealed.

Penalties and Forfeitures in Cases of Collusion and Fraud in applying for or obtaining a Licence, and in Cases of Third Conviction.

X. In case of any Fraud or Collusion between the Keeper of any House for the Sale of Beer by retail and any other Person as to the rating or rateable Value of such House, or in case of any Fraud or Collusion committed by any Person on any Application for or for the Purpose of obtaining for himself or for any other Person a Licence for the Sale of Beer by retail, or in case of any Third Conviction of the Keeper of any such House for any Breach of the Law in respect to the keeping and Management of any such House, it shall be lawful for any Two Justices before whom such Person shall be convicted of any such Collusion or Fraud, or by whom such Third Conviction shall be made, to adjudge the Licence of such Keeper of such House to be forfeited, and such Licence shall thereupon be null and void and absolutely cease and determine; and in case of a Conviction of any Person for Fraud or Collusion on any Application for a Licence to sell Beer by retail, such Person shall forfeit and pay a Sum not exceeding *Ten Pounds*, and no Licence for the Sale of Beer by retail shall thereafter be granted to the Person so convicted of any such Collusion or Fraud or of such Third Offence; and such Justices shall cause Notice in Writing to be forthwith sent to the Commissioners of Excise within the Limits of the Chief Office of the Excise, or to the Collector of Excise out of such Limits, of such Adjudication.

Notice of Forfeiture to be given to the Excise.

Appeal to Quarter Sessions in Cases of Forfeiture.

XI. In all Cases where a Licence for the Sale of Beer by retail shall be adjudged to be forfeited it shall be lawful for the Person whose Licence shall be so adjudged to be forfeited to appeal to the General Sessions or Quarter Sessions of the Peace upon the same Terms and Conditions in all respects as are provided in the herein firstly-recited Acts or any of them with respect to an Appeal against a Conviction for a Third Offence.

XII. The

XII. The Clerk to the Justices at the General Annual Licensing Meeting, as also at any Special Sessions for licensing under this Act, shall receive for every Licence granted by Justices under this Act the Sum of *Four Shillings* and no more, as and for his own 5 and all Fees for such Licence and connected therewith, and no other Fee shall be paid or payable to any Person for or in respect of such Licence; and every such Clerk who shall demand or receive from any Person for such Fee any more than the Sum of *Four Shillings* shall for every such Offence, on Conviction before One Justice, forfeit and 10 pay the Sum of *Five Pounds.*

Fee to Clerk of Justices for Grant of Licence.

Penalty for demanding more.

XIII. No Person whatsoever shall be entitled unto or maintain any Cause, Action, or Suit for, or recover, either in Law or Equity, any Sum of Money, Debt, or Demand whatsoever for or on account of any Beer drunk on the Premises of such Person, unless such Cause, 15 Action, or Suit for such Sum, Debt, or Demand shall be brought within *One Fortnight* of the Time at which such Debt began to be contracted; and no Money directly or indirectly lent or advanced knowingly for the Purpose of paying for such Beer shall be recoverable in any Court of Law; and in case any Person selling Beer by 20 retail to be drunk either on or off the Premises of such Person, or the Agent or Servant of such Person, shall take or receive any Pawn or Pledge from any Person whatsoever by way of Security for any Sum of Money owing by such Person for such Beer, or for or on account of any such Beer, every such Person offending herein shall, 25 on Conviction before One Justice, forfeit a Sum not exceeding *Forty Shillings* for each and every Pawn or Pledge so taken in or received by him; and the Person by whom such Pawn or Pledge was given shall have the same Remedy for recovering such Pawn or the Value thereof as if it had never been pledged.

No Debt for Beer drunk on the Premises recoverable unless sued for within a Week.

Penalty on retail Beersellers taking Pawns for Beer.

30 XIV. All the Clauses, Regulations, and Provisions of this Act relating to the Sale of Beer and the retailing thereof, and the Licences for the same, and the Houses wherein the same is sold, and the Penalties and Forfeitures hereby enacted, shall be taken and deemed to be applicable to the Sale of Cider by retail as if Cider 35 and the Retailers thereof were expressly mentioned in and throughout this Act.

Provisions of this Act with respect to the Sale of Beer to apply to the Sale of Cider.

XV. All the Provisions of the Three firstly herein recited Acts, and of all other Acts relating to the Sale of Beer and Cider by retail, so far as such Provisions are in force at the Time of the passing of this 40 Act, and are not altered by or inconsistent with the Provisions of this Act, shall be deemed and taken to be in full force and applicable to and read with the Provisions of this Act.

Provisions of former Acts relating to Sale of Beer by retail now in force, and not altered by this Act, to be read with and be applicable to this Act.

Coffee Shops and Places of public Entertainment kept open at Night must have a Licence from Two Justices at Petty Sessions.

XVI. All Coffee Shops and Places kept open for public Refreshment, Resort, and Entertainment, at any Time between the Hours of *Ten* of the Clock at Night and *Four* o'Clock of the following Morning, shall, on the Application of the resident Owner, Tenant, or Occupier of such Shops and Places, be annually licensed by Two Justices, under their Hands and Seals, at any Petty Session held for the Petty Sessional Division, or in the Metropolis by the Police Magistrate of the District within which such Shops or Places are situate, according to the Form in the Schedule (B.) to this Act annexed, for their respective Purposes; *and the Sum to be paid for each such Licence shall be the Sum of Ten Shillings for each and every Year during which such Licence shall be taken out, which Sum of Ten Shillings shall be paid to the Clerk to the Justices by whom such Licence shall be granted*, together with *Three Shillings* as his Fee for such Licence; and any Clerk to such Justices as shall demand or receive from any Person for such Fee more than the said Sum of *Three Shillings* shall for every such Offence, on Conviction thereof before One Justice, forfeit and pay the Sum of *Five Pounds; and such Clerk shall, on Demand, once in every Calendar Month account to the Collector of Excise for the District for all Sums received by him for such Licences*, and shall make and provide a correct List of all such Shops and Places, which shall be kept at the Head Police Office for the said Petty Sessional Division or District, and be open at all reasonable Times for the Inspection of any Person requiring to see the same on the Payment of *Sixpence* for each Inspection thereof, to be there paid for the Benefit of the Clerk to the Justices, whose Duty it shall be to make and provide such List.

Sum to be paid for Licence.

Fee to Clerk of Justices, and Penalty for demanding more.

Clerk to account with Collector of Excise,

and to keep correct List of licensed Coffee Shops, to be open to Inspection.

Penalty on keeping open unlicensed Coffee Shops at Night.

XVII. Every Person being the Owner, Occupier, or Manager of any Coffee Shop, or Place for public Refreshment, Resort, and Entertainment, who shall without first having obtained such Licence as is herein provided, keep open, or suffer or permit to be kept open, any such Shop or Place for public Refreshment, Resort, and Entertainment, at any Time between the Hours of *Ten* of the Clock of the Night and *Four* of the Clock of the following Morning, shall, upon Conviction thereof before One Justice of the Peace, forfeit a Sum not exceeding *Forty Shillings*, and for a Second such Offence a Sum not exceeding *Five Pounds*, and for a Third and every subsequent Offence be liable at the Discretion of such Justice to a Penalty not exceeding *Twenty Pounds*, or to be imprisoned for any Term not exceeding *Two* Calendar Months.

Coffee Shops kept open at Night or licensed to

XVIII. All Coffee Shops and Places open at any Time between the Hours of *Ten* of the Clock at Night and *Four* of the Clock of the following Morning, or licensed for public Refreshment, Resort, and

and Entertainment, under the Provisions of this Act, shall be subject to the same Supervision and Control of Constables and Officers of Police, and Penalties and Forfeitures in respect of the same, as are provided by any Acts with respect to Houses licensed for the Sale of Beer or spirituous Liquors to be consumed upon the Premises.

be subject to Supervision and Control of Police.

XIX. Every Person being the Occupier, Keeper, or Manager of such Coffee Shops and Places licensed for public Refreshment, Resort, and Entertainment under this Act, who shall provide or sell to or permit or suffer to be sold within such Coffee Shop or Place to any Person frequenting the same any intoxicating Liquor, or shall knowingly suffer any unlawful Games or Gaming whatsoever therein, or knowingly suffer Prostitutes, reputed Thieves, or drunken or disorderly Persons to assemble at or continue in orupon his Premises, shall, upon Conviction thereof before Two Justices, pay for the First Offence a Fine not exceeding *Forty Shillings*, for the Second Offence a Fine not exceeding *Five Pounds*, and for a Third or subsequent Offence a Fine not exceeding *Ten Pounds*, or be subject to a Forfeiture of his Licence, at the Discretion of the Justices before whom he shall be convicted; and in case of such Forfeiture of his Licence such Person shall be disqualified for the Space of *One Year* then next ensuing from obtaining a fresh Licence, and such fresh Licence, if obtained within the said Year, shall be absolutely null and void to all Intents and Purposes.

Penalties for allowing intoxicating Liquors to be provided in Coffee Shops, and for suffering gambling to go on or Prostitutes, &c. to assemble and continue therein.

XX. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Beer or spirituous Liquors by retail to be consumed on the Premises, or for public Refreshment, Resort, and Entertainment under the Provisions of this Act, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Manager or Occupier, or his Agent or Servant, or by any Constable, shall, on Conviction thereof before One Justice, be liable to pay a Fine not exceeding *Forty Shillings*, or be imprisoned for *One Week;* and all Constables are hereby authorized, empowered, and required, on the Demand of such Manager, Occupier, Agent, or Servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly Persons from such Shops, Houses, Premises, and Places.

Penalty on drunken and disorderly Persons refusing to quit licensed Houses on Request.

Constables required to assist in expelling them.

XXI. Any Person found drinking Beer or spirituous Liquors upon the Premises of any House licensed for the Sale of the same to be consumed on the Premises during any Time of the Day or Night prohibited by Law, shall, upon Conviction of such Offence before Two Justices, forfeit and pay a Sum not exceeding *Twenty Shillings* for such Offence.

Penalty on Persons found drinking in licensed Houses at unlawful Hours.

Interpretation Clause.

XXII. So much of the said firstly-recited Act as relates to the Interpretation of certain Words therein mentioned shall be applied to the Interpretation of the same Words where used in this Act; and the Words "Coffee Shop" in this Act shall be deemed to mean and include all Coffee Shops, Tea Shops, Temperance Hotels, Shell Fish Shops, Dancing Saloons, Houses, Rooms, and Places, by whatever Name distinguished, open for public Refreshment, Resort, or Entertainment, not being licensed for the Sale of any intoxicating Liquors therein. 5

Short Title of Act.

XXIII. This Act may be cited for any Purpose as the Beer Act Amendment Act, 1857. 10

SCHE-

SCHEDULE (A.)

Form of Grant of Licence for selling Beer and Cider by retail.

We, the Justices assembled this Day of A.D. do hereby authorize the Excise to grant to *A.B.* a Licence to sell Beer [*or* Cider] by retail at a certain House and Premises situate [*describe Situation*] of which he is the resident Occupier, such Licence to be in force for One whole Year from the Day of A.D. ; and we do hereby certify that *G.H.* of and *I.K.* of are sufficient Sureties. Signed by me, the Chairman on behalf of the said Justices, the said Day of .

Witness *C.D.*

Clerk to the said Justices.

SCHEDULE (B.)

We [*or* I] the undersigned, being Two of Her Majesty's Justices of the Peace acting in and for the Petty Sessional Division of [*or* a Police Magistrate for the District of the Metropolis] within which Petty Sessional Division [*or* District] the [House, Shop, Room, *or* Place, *whatever the Name of the Premises may be*] for which a Licence is hereby granted is situate, do hereby license, authorize, and empower *A.B.*, who is the resident Occupier of the said [House, *or whatever the Name may be*] situate [*describe the Situation*], to open and keep open the said [House, *or whatever the Name may be*] for public Refreshment, Resort, and Entertainment, as a [*describe the Object for which it is intended*] for One whole Year from the Date hereof.

Witness our [*or* my] Hands [*or* Hand] this Day of A.D. .

C.D. (L.S.)
E.F. (L.S.)

Sale of Beer, &c.

A

BILL

To amend the Laws relating to the general Sale of Beer and Cider by retail in England, and to regulate certain Places of public Resort, Refreshment, and Entertainment.

(*Prepared and brought in by Mr. Hardy and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1857.

[Bill 10.]

Under 2 oz.

15 *July* 1857. 20 & 21 Vict.

A

BILL

FOR

Uniformity of Measure in the Sale of Corn and other Grain.

WHEREAS many Abuses exist for Want of Uniformity of Measure in the Sale of Corn and other Grain, and the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, are insufficient for securing the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble

I. That from and after *the passing of this Act* the Word "Bushel," in all Bargains, Sales, and Contracts of or for Corn and other Grain, shall be deemed and taken to mean Eight Gallons Imperial Measure of Capacity; and every Person who shall sell any Corn or Grain other than by or with the said Bushel, or some Multiple or aliquot Part thereof, shall forfeit and pay for every such Offence any Sum not exceeding *Forty Shillings*, and all Bargains, Sales, and Contracts of or for any such Articles, made or entered into by or with any local or customary Weight or Measure, shall be null and void. Corn, &c. to be sold by Imperial Bushel.

II. This

5 & 6 W. 4. c. 63. and this Act to be construed together.

II. This Act shall be construed and taken together with the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Sixty-three, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending, or which may be commenced previous to this Act coming into operation.

Sale of Corn, &c.

A

BILL

For Uniformity of Measure in the Sale of Corn and other Grain.

(*Prepared and brought in by Mr. Adderley, Mr. Smith Child, and Mr. Bass.*)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 119.]

Under 1 *oz.*

15 *July* 1857. 20 & 21 Vict.

A

BILL

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

WHEREAS it is expedient to give additional Powers for the Suppression of the Trade in Obscene Books, Prints, Drawings, and other Obscene Articles: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for any Justice of the Peace, upon Complaint made before him upon Oath that the Complainant has Reason to believe, and does believe, that any Obscene Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations are kept in any House, Shop, Room, or other Place, for the Purpose of Sale or Distribution, Exhibition, lending upon Hire, or being otherwise published, and shall also state upon Oath such Facts as shall satisfy such Justice that the Belief of the said Complainant is well founded, and that such or other Matters are of such a Character and Description that the Publication of them would be a Misdemeanor, and proper to be prosecuted as such, to give Authority by Special Warrant to any Justices may authorize Search of suspected Premises.

any Constable or Police Officer into such House, Shop, Room, or other Place to enter, with such Assistance as may be necessary, and, if necessary, to use Force, by breaking open Doors or otherwise, and to search for and seize all such Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations, Matters, or Things as aforesaid, found in such House, Shop, Room, or other Place, and to burn or otherwise to destroy the same.

Tender of Amends, &c.

II. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

III. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Suit, Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Sale of Obscene Books, &c. Prevention.

A

BILL

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

(*Brought from the Lords* 15 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1857.

[Bill 126.]

Under 1 *oz.*

6 *August* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

WHEREAS it is expedient to give additional Powers for the Suppression of the Trade in Obscene Books, Prints, Drawings, and other Obscene Articles: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for any Justice of the Peace, upon Complaint made before him upon Oath that the Complainant has Reason to believe, and does believe, that any Obscene Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations are kept in any House, Shop, Room, or other Place within the Limits of the Jurisdiction of such Justice, for the Purpose of Sale or Distribution, Exhibition, lending upon Hire, or being otherwise published, which Complaint shall also state upon Oath such Facts as shall satisfy such Justice that the Belief of the said Complainant is well founded, and that such Matters, so kept for the Purpose aforesaid, are of such a Character and Description that the Publication of them would be a Misdemeanor, and proper to be prosecuted as such, to give Authority Justices may authorize Search of suspected Premises.

Authority by Special Warrant to any Constable or Police Officer into such House, Shop, Room, or other Place, with such Assistance as may be necessary, to enter in the Daytime, and, if necessary, to use Force, by breaking open Doors or otherwise, and to search for and seize all such Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations as aforesaid, found in such House, Shop, Room, or other Place, and to carry all the Articles so seized before the Justice of the Peace issuing the said Warrant, or some other Justice of the Peace exercising the same Jurisdiction; and such Justice shall thereupon issue a Summons calling upon the Occupier of the House or other Place which may have been so entered by virtue of the said Warrant to appear within Seven Days before him or some other Justice exercising the same Jurisdiction, to show cause why the Articles so seized should not be destroyed; and if such Occupier or some other Person claiming to be the Owner of the said Articles shall not appear within the Time aforesaid, or shall appear and fail to satisfy the said Justice that such Articles are not of the Character stated in the Warrant, it shall be lawful for the said Justice and he is hereby required to order the Articles so seized to be forthwith destroyed, except such of them as he may consider necessary to be preserved as Evidence in some further Proceeding: If such Justice shall be satisfied that the Articles seized are not of the Character stated in the Warrant, he shall forthwith direct them to be restored to the Occupier of the House or other Place in which they were seized.

Tender of Amends, &c.

II. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

III. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Action, Suit, Information,

Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or
5 Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Sale of Obscene Books, &c. Prevention.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

(*Brought from the Lords* 15 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 6 *August* 1857.

[Bill 178.]

Under 1 *oz.*

19 *August* 1857. 20 & 21 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

Preamble.

WHEREAS it is expedient to give additional Powers for the Suppression of the Trade in Obscene Books, Prints, Drawings, and other Obscene Articles: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices may authorize Search of suspected Premises.

I. It shall be lawful for any Stipendiary Magistrate, or for any Two Justices of the Peace, upon Complaint made before him or them upon Oath that the Complainant has Reason to believe, and does believe, that any Obscene Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations are kept in any House, Shop, Room, or other Place within the Limits of the Jurisdiction of any such Justice, for the Purpose of Sale or Distribution, Exhibition for Purposes of Gain, lending upon Hire, or being otherwise published for Purposes of Gain, which Complainant shall also state upon Oath that One or more Articles of the like Character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connection with such Place, so as to satisfy such Justice or Justices

 that

that the Belief of the said Complainant is well founded, and that any of such Articles, so kept for any of the Purposes aforesaid, are of such a Character and Description that the Publication of them would be a Misdemeanor, and proper to be prosecuted as such, to give Authority by Special Warrant to any Constable or Police Officer into such House, Shop, Room, or other Place, with such Assistance as may be necessary, to enter in the Daytime, and, if necessary, to use Force, by breaking open Doors or otherwise, and to search for and seize all such Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations as aforesaid found in such House, Shop, Room, or other Place, and to carry all the Articles so seized before the Stipendiary Magistrate or Justices issuing the said Warrant, or some other Stipendiary Magistrate or Justices exercising the same Jurisdiction; and such Magistrate or Justices shall thereupon issue a Summons calling upon the Occupier of the House or other Place which may have been so entered by virtue of the said Warrant to appear within Seven Days before him or any Two Justices in Petty Sessions for the District, to show cause why the Articles so seized should not be destroyed; and if such Occupier or some other Person claiming to be the Owner of the said Articles shall not appear within the Time aforesaid, or shall appear, and such Magistrate or Justices shall be satisfied that such Articles are of the Character stated in the Warrant, and that such or any of them have been kept for any of the Purposes aforesaid, it shall be lawful for the said Magistrate or Justices and he or they are hereby required to order the Articles so seized to be destroyed at the Expiration of the Time herein-after allowed for lodging an Appeal, unless Notice of Appeal as herein-after mentioned be given, and such Articles shall be in the meantime impounded, except such of them as he or they may consider necessary to be preserved as Evidence in some further Proceeding: If such Magistrate or Justices shall be satisfied that the Articles seized are not of the Character stated in the Warrant, or have not been kept for any of the Purposes aforesaid, he or they shall forthwith direct them to be restored to the Occupier of the House or other Place in which they were seized.

Tender of Amends, &c.

II. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined,

joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of Actions.

5 III. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Action, Suit, 10 Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of 15 Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

CLAUSE A.
Appeal.

IV. Any Person aggrieved by any Act or Determination of such Magistrate or Justices of the Peace out of Sessions, in or concerning the Execution of this Act, may appeal to the next General or Quarter 20 Sessions for the County, Riding, Division, City, Borough, or Place in and for which such Magistrate or Justices shall have so acted, giving to the Magistrate or Justices of the Peace whose Act or Determination shall be appealed against Notice in Writing of such Appeal, and of the Grounds thereof, within Seven Days after such Act or Deter- 25 mination and before the next General or Quarter Sessions, and entering within such Seven Days into a Recognizance, with sufficient Surety, before a Justice of the Peace for the County, City, Borough, or Place in which such Act or Determination shall have taken place, personally to appear and prosecute such Appeal, and to abide the 30 Order of and pay such Costs as shall be awarded by such Court of Quarter Sessions or any Adjournment thereof, and the Court at such General or Quarter Sessions shall hear and determine the Matter of such Appeal, and shall make such Order therein as shall to the said Court seem meet; and such Court, upon hearing and finally 35 determining such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and if such Appeal be dismissed or decided against the Appellant may order the Articles seized forthwith to be destroyed.

Sale of Obscene Books, &c. Prevention.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

(*Brought from the Lords* 15 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 19 *August* 1857.

[Bill 199.]

Under 1 *oz.*

Savings Banks Bill.

ARRANGEMENT OF CLAUSES.

Commissioners for Reduction of the National Debt may establish Government Security Savings Banks; Sect. 1.

Title of Savings Bank not to be used except for Banks established under the Laws relating to Savings Banks; 2.

Commissioners to make Regulations for Management of Savings Banks, &c.; 3.

Trustees and Managers to appoint paid Officers; 4.

Officers to give Security; 5.

Deposits may be invested in the Public Funds by Depositors in Savings Banks; 6.

Price at which Deposits may be converted into Stock; 7.

Transfer of Stock to Depositor; 8.

Payment of Dividends to Depositors; 9.

Transfer of Stock to Depositors at the Bank of England or Ireland; 10.

Provision as to Sale of Stock; 11.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors; 12.

Commissioners may close a Savings Bank where Loss is incurred under the Security; 13.

Banks already established may obtain Government Security; 14.

Accounts to be laid before Parliament; 15.

Provisions of previous Acts applicable to this Act; 16.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons; 17.

A

BILL

TO

Amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

WHEREAS in various Instances Losses have been sustained by Depositors in Savings Banks through the Insufficiency of the existing Laws: And whereas it is expedient that Security should be afforded against such Losses in future, and that Depositors in Savings Banks should have an effectual Guarantee for the Repayment to them of all Monies legally deposited therein, and that for such Purpose the Laws relating to Savings Banks should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may establish Savings Banks at such Places in the United Kingdom as they or he may think expedient, to receive Deposits of the small Savings of the industrious Classes of Her Majesty's Subjects, and all such Savings Banks so established after the passing of this Act shall be called Government Security Savings Banks, and all Depositors therein shall have the Security of the Government for the due Repay- Commissioners of the National Debt may establish Government Security Savings Banks.

ment of all Monies which shall have been legally deposited in such Savings Banks, with the Interest due thereon.

Name of Savings Bank not to be used except for Banks established under the Acts relating to Savings Banks.

II. Such Savings Banks shall be called Government Security Savings Banks, and any Person or Persons who shall use or assume the Name of Savings Bank for or in respect of any Institution for the Receipt of Deposits, whether at Interest or not, unless the Establishment of such Institution shall have been sanctioned by the Commissioners for the Reduction of the National Debt, or by the Comptroller General acting under them, under the Authority of the Laws relating to Savings Banks, shall be guilty of a Misdemeanor. 5 10

Commissioners for the Reduction of the National Debt to make Regulations.

III. The said Commissioners, or the said Comptroller General, may make, and from Time to Time, as they or he shall see Occasion, alter all such Regulations for the Management of Savings Banks established under this Act, and for superintending, inspecting, and regulating the same, and the keeping, examining, and allowing of Accounts, and also with respect to the making and Withdrawal of Deposits, and all other Matters incidental to the carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and Copies of all such Regulations shall be laid before both Houses of Parliament within *Fourteen* Days from the Date thereof, if Parliament shall be then sitting, and if not, then within *Fourteen* Days from the next re-assembling of Parliament. 15 20

Trustees and Managers to appoint paid Officers.

IV. The Trustees and Managers of any Savings Bank established under this Act may appoint such paid Officers as may be necessary for superintending or assisting in carrying the Provisions of this Act into execution, and may suspend or remove such paid Officers; and the said Commissioners or Comptroller General may define the Qualifications and specify the respective Duties of such Officers, and the Places at which the same shall be performed, and direct the Mode of Appointment, and may also determine the Continuance in Office, Suspension, or Removal of such Officers; and the said Commissioners or Comptroller General, when they see Occasion, may regulate the Amount of Salaries payable to such Officers respectively, and the Time and Mode of Payment thereof, and of all other Expenses incidental to the Management of the Savings Bank. 25 30 35

Security to be given by Officers of Savings Banks.

V. The said Commissioners or Comptroller General shall determine the Amount and Nature of the Security to be given by any of the Officers of the Savings Banks established under this Act, and such Security shall be given by the Bond to such Comptroller General 40

of

of such Parties, with Sureties, or of some Guarantee Society duly authorized by Law to give Security, such Sureties, Society, and Bond respectively in every Case to be subject to the Approval of the said Comptroller General; and such Bonds shall, when executed, 5 be deposited with the said Comptroller General, who shall have Power to vacate and deliver up such Bonds when the Necessity for continuing them in force shall have ceased: Provided always, that any such Officer shall be at liberty, if he shall think fit, to give such Security by depositing or transferring an equivalent Amount in 10 Exchequer Bills or Exchequer Bonds or in Bank Annuities, in which Case such Deposit of Exchequer Bills or Exchequer Bonds or of Bank Annuities shall be placed in or transferred into his own Name and that of the said Comptroller General, or the Name of the said Comptroller General alone, in the Bank of England, and shall be 15 subject to all the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Twenty-eight, and the Act of the Session holden in the First and Second Years of Her Majesty, Chapter Sixty-one, in the same Manner as if the said Officer had been a Person required to give 20 Security for the Discharge of the Duties of an Office under the Crown, and the said Comptroller General had been specially named in the said Acts as the Officer in whose Name the Deposit or Transfer should be made; and all such Bonds, Stock, Deposits, and other Securities shall vest in the Successor and Successors from 25 Time to Time in the Office of Comptroller General; and all such Bonds may be sued upon by the Comptroller General for the Time being; and all Exchequer Bills, Exchequer Bonds, and Bank Annuities so deposited or transferred by way of Security, or any Part thereof, shall and may be sold on the Certificate of such Comptroller 30 General that Loss has been sustained by Acts or Omissions in contravention of the Duty for the Performance of which the Security was given, or may, on the Certificate of such Comptroller General for that Purpose, be re-transferred or delivered up when the Necessity for the Security shall have ceased.

Deposits may be invested in the Funds by Depositors in Savings Banks.

35 VI. The Amount of Deposits and Interest due to any Depositor in any Savings Bank may, at the Request of such Depositor, notified by the proper Officer of the Savings Bank to the said Commissioners or Comptroller General, and under such Regulations as the said Commissioners or Comptroller General shall from Time to Time direct, be 40 invested in any permanent Government Stocks: Provided always, that no such Investment shall be made into any Amount of Stock of less than *One hundred Pounds* at any one Time.

Price at which Deposits may be converted into Stock.

VII. The Price at which such permanent Government Stocks shall be transferred to such Depositor shall be the Price of Stock as certified by the Cashier of the Governor and Company of the Bank of England to the said Commissioners as being the average Price of the Day on which the Application of the Depositor shall be lodged with the said Commissioners. 5

Transfer of Stock to Depositor.

VIII. Whenever a Depositor in any Savings Bank shall signify his Desire to make such Investment, an Account shall be opened by the said Commissioners in the Name of the said Depositor, either in the Books of the said Commissioners or in the Books of the Bank of 10 England or of the Bank of Ireland, as such Depositor shall himself desire, and he shall be credited therein with the Amount of Stock to which he will become entitled by such Investment under the Provisions of this Act, and in like Manner the Amount of Money so invested by the said Depositor shall be written off in his Deposit Book and from 15 his Deposit Account in the Books of the Savings Bank, and by the said Commissioners from the Account of the Savings Bank in the Books of the said Commissioners; and the said Commissioners or Comptroller General or Assistant Comptroller shall forthwith transmit to the said Depositor through the proper Officer of the Savings 20 Bank a Certificate showing the Amount of Stock thus placed in the Books of the said Commissioners or in the Books of the Bank of England or of Ireland, as the Case may be, to the Credit of the said Depositor, and the said Depositor shall thenceforth hold such Stock subject to the Price which such Stock shall from Time to Time 25 bear in the Public Market of the Stock Exchange in London or Dublin, as the Case may be, and subject also to the several Acts in force in relation to such Stock; and if such Stock Account shall have been opened for any Depositor in the Books of the Commissioners, and he shall desire at any Time thereafter to transfer the said Stock 30 to an Account to be opened in his Name in the Books of the Bank of England or Bank of Ireland, such Transfer shall be made by the said Commissioners accordingly.

Payment of Dividends to Depositors.

IX. The Dividends becoming due and payable to such Depositor in respect of such permanent Government Stocks, if the Account 35 shall be opened in his Name in the Books of the said Commissioners, shall be payable and paid at the Office of the said Commissioners, or at the Savings Bank through which such permanent Government Stocks were purchased, or at any other Savings Bank established under this Act at which such Depositor shall desire to receive such 40 Dividends, under such Regulations as the said Commissioners or Comptroller General shall make for that Purpose, and the Dividends on all Stock placed in the Depositor's Name in the Books of the Bank of

of England or Bank of Ireland shall be paid to the Depositor at the Bank of England or Bank of Ireland, as the Case may be, in the same Manner as in respect to all Persons whose Names are inscribed as Shareholders in the said Banks respectively.

Fund out of which Stock to be transferred.

5 X. The Amount of all such permanent Government Annuities may be transferred by the said Commissioners from Time to Time as required from the Stock Account standing in the Names of the said Commissioners in the Books of the Governor and Company of the Bank of England, or in the Books of the Governor and Company of 10 the Bank of Ireland, under the Title of "The Fund for the Banks for Savings," under such Regulations as shall be prescribed by the said Commissioners.

Provision as to selling Stock.

XI. Whenever a Depositor whose Stock Account shall stand in the Books of the Commissioners for the Reduction of the National 15 Debt shall desire to sell the whole or any Part of such Stock, such Sale shall be made by the said Commissioners at the Price of the Day on which the Application of the said Depositor directing such Sale shall be lodged at the National Debt Office, and the Produce of such Sale shall be paid to the Depositor either at the National Debt 20 Office or at a Savings Bank, as the said Depositor shall desire, under such Regulations as shall be prescribed by the said Commissioners or the Comptroller General acting under them.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors.

XII. The said Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Trea- 25 sury, are hereby authorized, from Time to Time as they shall see Occasion, to appoint such Number of Inspectors and Auditors as the said Commissioners for the Reduction of the National Debt may think necessary for carrying this Act into execution, at such Places and in such Manner as they may direct, and to remove such Inspectors 30 and Auditors, or any of them, at their Discretion, and to appoint some other Person or Persons in his or their Place; and every such Inspector and Auditor shall have full Power, in conformity with the Regulations under this Act, to call for, inspect, and examine the Books, Accounts, Vouchers, and other Documents of any Savings Bank established 35 under this Act; and such Inspectors and Auditors shall receive such Salaries as shall be approved by the said Commissioners of Her Majesty's Treasury; and the Salaries of all such Persons, together with any necessary travelling or contingent Expenses allowed by the Commissioners for the Reduction of the National Debt, shall be 40 payable out of any Monies granted by Parliament for that Purpose.

Commissioners may close a

XIII. In case it shall appear to the Commissioners or the said Comptroller General, upon any Inspection or Examination of the

Savings Bank where Loss is incurred under the Security.

Accounts of any Savings Bank established under this Act, that by reason of the Neglect of the Regulations under this Act or otherwise Loss has been or will be sustained by the Government under the Security given by this Act to the Depositors, it shall be lawful for the said Commissioners, by Order to be published in the London Gazette or Dublin Gazette, as the Case may require, and otherwise as the Commissioners or Comptroller General may think fit, to direct that such Savings Bank be closed, and thenceforth no Deposits shall be received at such Savings Bank, and any Inspector or other Person authorized for that Purpose by the Commissioners shall take possession of all Books, Vouchers, and other Documents of such Savings Bank, and of the Offices or Buildings used for the Purposes thereof and of all Assets thereof, and all such Assets shall be disposed of as the Commissioners shall direct, and all the Monies due to the Depositors shall be paid to them by or under the Direction of the Commissioners.

Existing Banks may obtain Government Security for their Depositors.

XIV. The Trustees and Managers of any Savings Bank already established under the Provisions of any Acts relating to Savings Banks may obtain the Security of the Government for the Depositors in such Savings Bank, upon condition that the said Trustees and Managers shall prove to the Satisfaction of the Commissioners for the Reduction of the National Debt the Solvency of such Savings Bank, by the Production of the Pass Books of the Depositors or by such other Evidence as shall be satisfactory to the said Commissioners; and such Depositors shall be entitled to such Security whenever the said Commissioners for the Reduction of the National Debt or the Comptroller General acting under them shall certify to the Trustees and Managers of the Savings Bank that the said Condition has been complied with, and thereupon the said Savings Bank shall be considered to be a Savings Bank established under and subject to the Provisions of this Act.

Accounts to be laid before Parliament.

XV. An annual Account of all Deposits received and paid under the Authority of this Act, of all Stock transferred to Depositors, and of the Expenses incurred for managing the Savings Banks during the Year, together with a Statement of the total Amount due at the Close of the Year to all Depositors in such Savings Banks, and of the Assets available to meet the Claims of such Depositors, shall be laid before both Houses of Parliament not later than the *Thirty-first Day of March* in every Year.

Provisions of previous Savings Banks applicable to such Act.

XVI. All the Provisions of the Acts now in force relating to Savings Banks, as to Matters for which no other Provision is made by this Act, shall be deemed, as far as the same are not repugnant to or inconsistent

inconsistent with this Act, applicable to any Savings Bank established under this Act.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons.

XVII. Any Person acting or assisting in the Management of any Savings Bank not established under the Authority of this Act, and not having obtained the Security of the Government for the Depositors under this Act, who shall in respect of such Savings Bank use or assume the Name of "Government Security Savings Bank" or any Name or Description of a like Import, and any Person acting or assisting in the Management of any Association or Institution or pretended Association or Institution for the Receipt of Deposits, whether at Interest or not, who shall use or assume in respect of such Association or Institution or pretended Association or Institution the Name of "Savings Bank" or "Bank for Savings," with or without any Addition, (unless such Association or Institution shall have been sanctioned by the Commissioners for the Reduction of the National Debt, or by the Comptroller General acting under them, under the Authority of the Laws relating to Savings Banks,) shall be guilty of a Misdemeanor.

Savings Banks.

A

BILL

To amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 12 *May* 1857.

[Bill 13.]

Under 2 oz.

Savings Banks Bill.

(No. 2.)

ARRANGEMENT OF CLAUSES.

Commissioners for Reduction of the National Debt may establish Government Security Savings Banks; Sect. 1.

Commissioners for the Reduction of the National Debt may call for Returns from Government Security Savings Banks, and, with the Sanction of the Treasury, make Regulations; 2.

Trustees and Managers to appoint paid Officers; 3.

Security to be given by Officers of Savings Banks; 4.

Security may be given by Deposit of Exchequer Bills or Bonds, or Stock; 5.

Deposits in Government Security Savings Banks may be invested in the Funds at Request of Depositors; 6.

Purchase of Stock for Depositor; 7.

Transmission of Dividends to Depositors; 8.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors; 9.

Commissioners may close a Savings Bank where Loss is incurred under the Security; 10.

Rules to provide for Production and Inspection of Books; 11.

Banks already established may obtain Government Security; 12.

Accounts to be laid before Parliament; 13.

Provisions of previous Acts applicable to this Act; 14.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons; 15.

(No. 2.)

A

BILL

TO

Amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

WHEREAS in various Instances Losses have been sustained by Depositors in Savings Banks: And whereas it is expedient to provide for the Establishment of Savings Banks which shall afford an effectual Guarantee for the Repayment to the Depositors of all Monies legally deposited by them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may establish Savings Banks at such Places in the United Kingdom as they or he may think expedient, to receive Deposits of the small Savings of the industrious Classes of Her Majesty's Subjects, and all such Savings Banks so established after the passing of this Act shall be called Government Security Savings Banks, and all Depositors therein shall have the Security of the Government for the due Repayment of all Monies which shall have been legally deposited in such Savings Banks, with the Interest due thereon. Commissioners of the National Debt may establish Government Security Savings Banks.

 II. The

Commissioners for the Reduction of the National Debt may call for Returns from Government Security Savings Banks, and, with the Sanction of the Treasury, make Regulations.

II. The said Commissioners or the said Comptroller General may call for all such Accounts and Returns as shall appear to them or him to be necessary from the Trustees, Managers, and Officers of Government Security Savings Banks, and may make, and from Time to Time as they or he shall see occasion alter, all such General Rules and Regulations for the Management of Government Security Savings Banks, and for the Superintendence of the same, as shall in their or his Judgment be required for the Protection of the Government and the Security of the Depositors: Provided always, that no such General Rules and Regulations shall be of any Force or Validity without the previous Sanction of the Commissioners of Her Majesty's Treasury, signified by Warrant under their Hands; and all General Rules and Regulations so made and sanctioned shall be binding on all Trustees, Managers, and Officers of such Savings Banks, and on the Depositors and Persons claiming under them, as if such General Rules and Regulations formed Part of this Act; and Copies of all such General Rules and Regulations shall be laid before both Houses of Parliament within *Fourteen* Days from the Date of the Warrant sanctioning the same, or, if Parliament be not then sitting, within *Fourteen* Days after the next Meeting of Parliament.

Trustees and Managers to appoint paid Officers.

III. The Trustees and Managers of any Government Security Savings Bank may appoint such Officers as may be required for the Management of such Savings Bank, and may suspend or remove such Officers, and may grant such Salaries to such Officers, and incur such Expenses as may be necessary: Provided always, that such Expenditure in any One Year shall not exceed the Difference between the Amount of Interest allowed by Law to the Trustees and Managers on Monies invested with the said Commissioners, and the Amount of Interest allowed by the Trustees and Managers to the Depositors, unless such Excess of Expenditure shall have been previously sanctioned by the said Commissioners or Comptroller General as a Charge upon the separate Surplus Fund of such Savings Bank.

Security to be given by Officers of Savings Banks.

IV. The said Commissioners or Comptroller General may define the Qualifications and specify the respective Duties of the Officers of Government Security Savings Banks, and the Places at which such Duties shall be performed, and may direct the Mode of Appointment, and may also suspend or remove such Officers, and determine the Amount and Nature of the Security to be given by any of such Officers, and such Security shall be given to such Comptroller General by the Bond of such Parties, with Sureties, or of some Guarantee Society duly authorized by Law to give Security, such Sureties, Society, and Bond respectively in every Case to be subject to the Approval of the said Comptroller General; and such Bonds shall

shall, when executed, be deposited with the said Comptroller General, and shall vest from Time to Time in, and may be sued upon, by, and in the Name of the Comptroller General for the Time being, who shall have Power to vacate and deliver up such Bonds when the Necessity for continuing them in force shall have ceased.

Security may be given by Deposit of Exchequer Bills, or Bonds or Stock.

V. Any such Officer shall be at liberty, if he shall think fit, to give such Security by depositing or transferring an equivalent Amount in Exchequer Bills or Exchequer Bonds or in Bank Annuities, in which Case such Deposit of Exchequer Bills or Exchequer Bonds or of Bank Annuities shall be placed in or transferred into his own Name and that of the said Comptroller General, or the Name of the said Comptroller General alone, in the Bank of England, and shall be subject to all the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Twenty-eight, and the Act of the Session holden in the First and Second Years of Her Majesty, Chapter Sixty-one, in the same Manner as if the said Officer had been a Person required to give Security for the Discharge of the Duties of an Office under the Crown, and the said Comptroller General had been specially named in the said Acts as the Officer in whose Name the Deposit or Transfer should be made; and all Exchequer Bills, Exchequer Bonds, and Bank Annuities so deposited or transferred by way of Security, shall vest in the Successor and Successors from Time to Time in the Office of Comptroller General, and the same, or any Part thereof, shall and may be sold on the Certificate of such Comptroller General that Loss has been sustained by Acts or Omissions in contravention of the Duty for the Performance of which the Security was given, or may, on the Certificate of such Comptroller General for that Purpose, be re-transferred or delivered up when the Necessity for the Security shall have ceased.

Deposits in Government Security Savings Banks may be invested in the Funds at Request of Depositors.

VI. The Amount or any Part of the Amount due to any Depositor for Deposits and Interest in any Government Security Savings Bank may, at the Request in Writing of such Depositor, notified by the proper Officer of the Savings Bank to the said Commissioners or Comptroller General, and under such Regulations as the said Commissioners or Comptroller General shall from Time to Time direct, be invested, as herein-after mentioned, in any permanent Government Stocks: Provided always, that no such Investment shall be made into any Amount of Stock of less than *Fifty Pounds* at any One Time.

Purchase of Stock for Depositor.

VII. Upon the Request in Writing of the Depositor being notified to the Commissioners or Comptroller General as aforesaid, the Comptroller General shall cause the Money to which the Request

shall relate to be laid out in the Purchase of Stock in the Name of the Depositor in the Books of the Bank of England or Bank of Ireland, as the Depositor may desire; or the Commissioners or Comptroller General may cause the requisite Amount of Stock to be transferred into the Name of such Depositor from the Stock Account standing in the Names of the said Commissioners in the Books of the Bank of England or the Bank of Ireland, under the Title of "The Fund for the Banks for Savings," the Transfer in such Case to be made at the Price of such Stock certified by the Cashier of the Governor and Company of the Bank of England to the said Commissioners, as being the average Price of the Day on which the Request in Writing of the Depositor shall have been notified to the Commissioners; and upon every such Investment the Amount of Money so invested for the said Depositor shall be written off in his Deposit Book and from his Deposit Account in the Books of the Savings Bank, and by the said Commissioners from the Account of the Savings Bank in the Books of the said Commissioners; and the said Commissioners or Comptroller General or Assistant Comptroller shall forthwith transmit to the said Depositor, through the proper Officer of the Savings Bank, a Certificate showing the Amount of Stock thus placed in the Books of the Bank of England or of Ireland, as the Case may be, to the Credit of the said Depositor.

Transmission of Dividends to Depositors.

VIII. The said Commissioners or Comptroller General may make Regulations for receiving for any Depositor having an Investment in Stock as aforesaid who may think fit to give a Letter of Attorney for this Purpose the Dividends which may become due on such Stock, and for transmitting such Dividends to the Depositor through the Savings Bank through which the Investment was made, or through any other Government Security Savings Bank to which the Deposit Account of such Depositor may have been transferred subsequent to such Investment as aforesaid, and no Letter of Attorney for the Receipt of Dividends given to the Commissioners or Comptroller General shall be chargeable with Stamp Duty.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors.

IX. The said Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, are hereby authorized, from Time to Time as they shall see Occasion, to appoint such Number of Inspectors and Auditors as the said Commissioners for the Reduction of the National Debt may think necessary for carrying this Act into execution, at such Places and in such Manner as they may direct, and to remove such Inspectors and Auditors, or any of them, at their Discretion, and to appoint some other Person or Persons in his or their Place; and every such Inspector and Auditor shall have full Power, in conformity with the Regulations under

under this Act, to call for, inspect, and examine the Books, Accounts, Vouchers, and other Documents of any Government Security Savings Bank; and such Inspectors and Auditors shall receive such Salaries as shall be approved by the said Commissioners of Her 5 Majesty's Treasury; and the Salaries of all such Persons, together with any necessary travelling or contingent Expenses allowed by the Commissioners for the Reduction of the National Debt, shall be payable out of the Fund of the Banks for Savings.

Commissioners may close a Savings Bank where Loss is incurred under the Security.

X. In case it shall appear to the Commissioners or the said 10 Comptroller General that the Rules and Regulations in force in respect to Government Security Savings Banks shall not have been complied with or carried into effect by the Trustees and Managers of any such Savings Bank, or if the Accounts and Returns required by the said Commissioners or the said Comptroller General from the 15 Trustees, Managers, or Officers of any such Savings Bank shall not have been furnished, or if upon any Inspection or Examination of the Accounts of any Government Security Savings Bank it shall appear to the said Commissioners or Comptroller General that Loss has been or is likely to be sustained by the Government under the 20 Security given by this Act to the Depositors, it shall be lawful for the said Commissioners, by Order to be published in the London Gazette or Dublin Gazette, as the Case may require, and otherwise as the Commissioners or Comptroller General may think fit, to direct that such Savings Bank be closed, and thenceforth no Deposits shall 25 be received at such Savings Bank, and any Inspector or other Person authorized for that Purpose by the Commissioners shall take possession of all Books, Vouchers, and other Documents of such Savings Bank, and of the Offices or Buildings used for the Purposes thereof, and of all Assets thereof, and all such Assets shall be disposed of as 30 the Commissioners shall direct, and all the Monies due to the Depositors shall be paid to them by or under the Direction of the Commissioners.

Rules to provide for Production and Inspection of Books.

XI. The Rules of every Government Security Savings Bank shall specify a Number of Days, not less than Two, in every Year ending 35 on the *Twentieth Day of November*, on which the Book of each Depositor shall be produced at the Office of such Savings Bank for the Purpose of being inspected, examined, and verified with the Books of the Institution by the Auditor or Auditors appointed by the said Commissioners, and in case such Book shall not be produced on 40 or before the last of the Days mentioned in any One Year ending as aforesaid the Account of the Depositor shall be closed, and all Interest shall cease to accrue on the Sums deposited by him from the last Day of the Year in which the said Book should have been so pro-

duced: Provided nevertheless, that the Trustees or Managers shall have the Power to re-open the said Account, but only to allow Interest thereon from the Time when the same shall have been re-opened, unless the Trustees shall be satisfied that such Depositor has been prevented by some sufficient Cause from producing the Deposit Book at the Time so specified; and an Extract of this Provision shall be enrolled as One of the Rules of every Government Security Savings Bank.

Existing Banks may obtain Government Security for their Depositors.

XII. The Trustees and Managers of any Savings Bank already established under the Provisions of any Acts relating to Savings Banks may obtain the Security of the Government for the Depositors in such Savings Bank, upon Condition that the said Trustees and Managers shall prove to the Satisfaction of the Commissioners for the Reduction of the National Debt or of the said Comptroller General the Solvency of such Savings Bank, by the Production of the Pass Books of the Depositors or by such other Evidence as shall be satisfactory to the said Commissioners, or to the said Comptroller General; and such Depositors shall be entitled to such Security whenever the said Commissioners for the Reduction of the National Debt or the Comptroller General acting under them shall certify to the Trustees and Managers of the Savings Bank that the said Condition has been complied with, and thereupon the said Savings Bank shall be considered to be a Government Security Savings Bank established under and subject to the Provisions of this Act; and thenceforth none of the Assets of such Savings Bank shall be alienated or disposed of save with the Consent in Writing of the said Commissioners or Comptroller General.

Accounts to be laid before Parliament.

XIII. An annual Account of all Deposits received and paid under the Authority of this Act, of all Stock purchased for or transferred to Depositors, and of the Expenses incurred for managing the Government Security Savings Banks during each Year ending the *Twentieth Day of November*, together with a Statement of the total Amount due at the Close of the Year to all Depositors in such Savings Banks, and of the Assets available to meet the Claims of such Depositors, shall be laid before both Houses of Parliament on or before the *Thirty-first Day of March* next after the Close of such Year.

Provisions of previous Savings Banks Acts applicable to such Act.

XIV. All the Provisions of the Acts now in force relating to Savings Banks, as to Matters for which no other Provision is made by this Act, shall be deemed, as far as the same are not repugnant to or inconsistent with this Act, applicable to any Savings Bank established under this Act.

XV. Any

XV. Any Person acting or assisting in the Management of any Savings Bank not established under the Authority of this Act, and not having obtained the Security of the Government for the Depositors under this Act, who shall in respect of such Savings Bank use or assume the Name of "Government Security Savings Bank," or any Name or Description of a like Import, shall be guilty of a Misdemeanor, and any Person acting or assisting in the Management of any Bank or Office, Association or Institution, or pretended Association or Institution, for the Receipt of Deposits, whether at Interest or not, who shall use or assume in respect of such Bank or Office, Association or Institution, or pretended Association or Institution, the Name of "Savings Bank" or "Bank for Savings," with or without any Addition, (unless such Bank or Office, Association or Institution, shall have been sanctioned by the Commissioners for the Reduction of the National Debt, or by the Comptroller General acting under them, under the Authority of the Laws relating to Savings Banks, or shall have been established and shall be managed for charitable Purposes only, and not for the Gain or Profit of any Person or Persons other than the Depositors,) shall be guilty of a Misdemeanor.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons.

Savings Banks.

(No. 2.)

A

BILL

To amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

(Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1857.

[Bill 37.]

Under 2 oz.

535

Savings Banks Bill.

[AS AMENDED IN COMMITTEE.]

(No. 2.)

ARRANGEMENT OF CLAUSES.

Commissioners for Reduction of the National Debt may establish Government Security Savings Banks; Sect. 1.

Regulations under which Banks are to be conducted, and Power to Commissioners to vary and adapt the same to existing Banks, &c.; 2.

Trustees and Managers to appoint Officers; 3.

Qualifications of and Security to be given by Officers of Savings Banks; 4.

Security may be given by Deposit of Exchequer Bills or Bonds, or Stock; 5.

Deposits in Government Security Savings Banks may be invested in the Funds at Request of Depositors; 6.

Purchase of Stock for Depositor; 7.

Transmission of Dividends to Depositors; 8.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors; 9.

Commissioners may close a Savings Bank where Loss is incurred under the Security; 10.

Rules to provide for Production and Inspection of Books; 11.

Banks already established may obtain Government Security; 12.

Accounts to be laid before Parliament; 13.

Application of Provisions of previous Acts; 14.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons; 15.

SCHEDULE.

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

WHEREAS in various Instances Losses have been sustained by Depositors in Savings Banks: And whereas it is expedient to provide for the Establishment of Savings Banks which shall afford an effectual Guarantee for the Repayment to the Depositors of all Monies legally deposited by them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, may establish Savings Banks at such Places in the United Kingdom as they or he may think expedient, to receive Deposits of the small Savings of the industrious Classes of Her Majesty's Subjects, and all such Savings Banks so established after the passing of this Act shall be called Government Security Savings Banks, and all Depositors therein shall have the Security of the Government for the due Repayment of all Monies which shall have been legally deposited in such Savings Banks, with the Interest due thereon. Commissioners of the National Debt may establish Government Security Savings Banks.

Regulations under which Banks are to be conducted, and Power to vary and adapt the same to existing Banks, and to call for Returns, &c.

II. The Regulations in the Schedule to this Act annexed shall be the Regulations under which Government Security Savings Banks shall be managed and conducted: Provided always, that for the Protection of the Government and the Security of the Depositor, and for the Adaptation of such Regulations to the Case of Savings Banks already established, to the Depositors in which the Security of the Government may hereafter be given, the said Commissioners or the said Comptroller General, may from Time to Time vary, alter, and amend such Regulations and issue further Regulations, and call for all such Accounts and Returns as shall appear to them or him to be necessary from the Trustees, Managers, and Officers of Government Security Savings Banks; but no such Variations, Alterations, or Amendments, or additional Regulations, shall be of any Force or Validity without the previous Sanction of the Commissioners of Her Majesty's Treasury, signified by Warrant under their Hands; and all Regulations so varied, altered, or amended, and all such additional Regulations so made and sanctioned shall be binding on all Trustees, Managers, and Officers of such Savings Banks, and on the Depositors and Persons claiming under them, as if such Regulations formed Part of this Act; and Copies of all such Regulations shall be laid before both Houses of Parliament within Fourteen Days from the Date of the Warrant sanctioning the same, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting of Parliament.

Trustees and Managers to appoint Officers.

III. The Trustees and Managers of any Government Security Savings Bank may appoint such Officers as may be required for the Management of such Savings Bank, and may suspend or remove such Officers, and may grant such Salaries to such Officers, and incur such Expenses as may be necessary: Provided always, that such Expenditure in any One Year shall not exceed the Difference between the Amount of Interest allowed by Law to the Trustees and Managers on Monies invested with the said Commissioners, and the Amount of Interest allowed by the Trustees and Managers to the Depositors, unless such Excess of Expenditure shall have been previously sanctioned by the said Commissioners or Comptroller General as a Charge upon the separate Surplus Fund of such Savings Bank.

Qualifications of and Security to be given by Officers of Savings Banks.

IV. The said Commissioners or Comptroller General may define the Qualifications and specify the respective Duties of the Officers of Government Security Savings Banks, and the Places at which such Duties shall be performed, and may direct the Mode of Appointment, and may also suspend or remove such Officers, and determine the Amount and Nature of the Security to be given by any of such Officers, and such Security shall be given to such Comptroller General

General by the Bond of such Parties, with Sureties, or of some Guarantee Society duly authorized by Law to give Security, such Sureties, Society, and Bond respectively in every Case to be subject to the Approval of the said Comptroller General; and such Bonds shall, when executed, be deposited with the said Comptroller General, and shall vest from Time to Time in, and may be sued upon, by, and in the Name of the Comptroller General for the Time being, who shall have Power to vacate and deliver up such Bonds when the Necessity for continuing them in force shall have ceased.

Security may be given by Deposit of Exchequer Bills, or Bonds or Stock.

V. Any such Officer shall be at liberty, if he shall think fit, to give such Security by depositing or transferring an equivalent Amount in Exchequer Bills or Exchequer Bonds or in Bank Annuities, in which Case such Deposit of Exchequer Bills or Exchequer Bonds or of Bank Annuities shall be placed in or transferred into his own Name and that of the said Comptroller General, or the Name of the said Comptroller General alone, in the Bank of England, and shall be subject to all the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Twenty-eight, and the Act of the Session holden in the First and Second Years of Her Majesty, Chapter Sixty-one, in the same Manner as if the said Officer had been a Person required to give Security for the Discharge of the Duties of an Office under the Crown, and the said Comptroller General had been specially named in the said Acts as the Officer in whose Name the Deposit or Transfer should be made; and all Exchequer Bills, Exchequer Bonds, and Bank Annuities so deposited or transferred by way of Security, shall vest in the Successor and Successors from Time to Time in the Office of Comptroller General, and the same, or any Part thereof, shall and may be sold on the Certificate of such Comptroller General that Loss has been sustained by Acts or Omissions in contravention of the Duty for the Performance of which the Security was given, or may, on the Certificate of such Comptroller General for that Purpose, be re-transferred or delivered up when the Necessity for the Security shall have ceased.

Deposits in Government Security Savings Banks may be invested in the Funds at Request of Depositors.

VI. The Amount or any Part of the Amount due to any Depositor for Deposits and Interest in any Government Security Savings Bank may, at the Request in Writing of such Depositor, notified by the proper Officer of the Savings Bank to the said Commissioners or Comptroller General, and under such Regulations as the said Commissioners or Comptroller General shall from Time to Time direct, be invested, as herein-after mentioned, in any permanent Government Stocks: Provided always, that no such Investment shall be made into any Amount of Stock of less than Ffty Pounds at any One Time.

Purchase of Stock for Depositor.

VII. Upon the Request in Writing of the Depositor being notified to the Commissioners or Comptroller General as aforesaid, the Comptroller General shall cause the Money to which the Request shall relate to be laid out in the Purchase of Stock in the Name of the Depositor in the Books of the Bank of England or Bank of Ireland, as the Depositor may desire; or the Commissioners or Comptroller General may cause the requisite Amount of Stock to be transferred into the Name of such Depositor from the Stock Account standing in the Names of the said Commissioners in the Books of the Bank of England or the Bank of Ireland, under the Title of "The Fund for the Banks for Savings," the Transfer in such Case to be made at the Price of such Stock certified by the Cashier of the Governor and Company of the Bank of England to the said Commissioners, as being the average Price of the Day on which the Request in Writing of the Depositor shall have been notified to the Commissioners; and upon every such Investment the Amount of Money so invested for the said Depositor shall be written off in his Deposit Book and from his Deposit Account in the Books of the Savings Bank, and by the said Commissioners from the Account of the Savings Bank in the Books of the said Commissioners; and the said Commissioners or Comptroller General or Assistant Comptroller shall forthwith transmit to the said Depositor, through the proper Officer of the Savings Bank, a Certificate showing the Amount of Stock thus placed in the Books of the Bank of England or of Ireland, as the Case may be, to the Credit of the said Depositor.

Transmission of Dividends to Depositors.

VIII. The said Commissioners or Comptroller General may make Regulations for receiving for any Depositor having an Investment in Stock as aforesaid who may think fit to give a Letter of Attorney for this Purpose the Dividends which may become due on such Stock, and for transmitting such Dividends to the Depositor through the Savings Bank through which the Investment was made, or through any other Government Security Savings Bank to which the Deposit Account of such Depositor may have been transferred subsequently to such Investment as aforesaid, and no Letter of Attorney for the Receipt of Dividends given to the Commissioners or Comptroller General shall be chargeable with Stamp Duty.

Commissioners for the Reduction of the National Debt may appoint Inspectors and Auditors.

IX. The said Commissioners for the Reduction of the National Debt, with the Consent of the Commissioners of Her Majesty's Treasury, are hereby authorized, from Time to Time as they shall see Occasion, to appoint such Number of Inspectors and Auditors as the said Commissioners for the Reduction of the National Debt may think necessary for carrying this Act into execution, at such Places and in such Manner as they may direct, and to remove such Inspectors and

and Auditors, or any of them, at their Discretion, and to appoint some other Person or Persons in his or their Place; and every such Inspector and Auditor shall have full Power, in conformity with the Regulations under this Act, to call for, inspect, and examine the Books, Accounts, 5 Vouchers, and other Documents of any Government Security Savings Bank; and such Inspectors and Auditors shall receive such Salaries as shall be approved by the said Commissioners of Her Majesty's Treasury; and the Salaries of all such Persons, together with any necessary travelling or contingent Expenses allowed by the 10 Commissioners for the Reduction of the National Debt, shall be payable out of the Fund of the Banks for Savings.

Commissioners may close a Savings Bank where Loss is incurred under the Security.

X. In case it shall appear to the Commissioners or the said Comptroller General that the Rules and Regulations in force in respect to Government Security Savings Banks shall not have been 15 complied with or carried into effect by the Trustees and Managers of any such Savings Bank, or if the Accounts and Returns required by the said Commissioners or the said Comptroller General from the Trustees, Managers, or Officers of any such Savings Bank shall not have been furnished, or if upon any Inspection or Examination of 20 the Accounts of any Government Security Savings Bank it shall appear to the said Commissioners or Comptroller General that the Books or Accounts have been irregularly or improperly kept, or that Loss has been or is likely to be sustained by the Government under the Security given by this Act to the Depositors, it shall be lawful for 25 the said Commissioners, if they shall deem it expedient, by Order to be published in the London Gazette or Dublin Gazette, as the Case may require, and otherwise as the Commissioners or Comptroller General may think fit, to direct that such Savings Bank be closed, and thenceforth no Deposits shall be received at such Savings Bank, 30 and the Trustees, Managers, and Officers of such Savings Bank shall forthwith deliver to any Inspector or other Person authorized for that Purpose by the Commissioners possession of all Books, Vouchers, and other Documents of such Savings Bank, and of the Offices or Buildings used for the Purposes thereof, and of all Assets thereof, 35 and all such Assets shall be disposed of as the Commissioners shall direct, and all the Monies due to the Depositors shall be paid to them by or under the Direction of the Commissioners.

Rules to provide for Production and Inspection of Books.

XI. The Rules of every Government Security Savings Bank shall specify a Number of Days, not less than Two, in every Year ending 40 on the Twentieth Day of November, within which the Book of each Depositor shall be produced at the Office of such Savings Bank for the Purpose of being inspected, examined, and verified with the Books of the Institution by the Auditor or Auditors appointed by the said

Commissioners; and in case such Book shall not be produced on or before the last of the Days mentioned in any One Year ending as aforesaid, such Depositor shall not be entitled to any further Interest on the Sums deposited by him from the last Day of the Year in which the said Book should have been so produced: Provided nevertheless, that the Trustees or Managers shall have the Power to allow Interest thereon from the Day on which the Pass Book shall again be produced, or for the whole Term, if the Trustees shall be satisfied that such Depositor has been prevented by some sufficient Cause from producing the Deposit Book at the Time so specified; and an Extract of this Provision shall be enrolled as One of the Rules of every Government Security Savings Bank.

Existing Banks may obtain Government Security for their Depositors.

XII. The Trustees and Managers of any Savings Bank already established under the Provisions of any Acts relating to Savings Banks may obtain the Security of the Government for the Depositors in such Savings Bank, upon Condition that the said Trustees and Managers shall prove to the Satisfaction of the Commissioners for the Reduction of the National Debt or of the said Comptroller General the Solvency of such Savings Bank, by the Production of the Pass Books of the Depositors or by such other Evidence as shall be satisfactory to the said Commissioners, or to the said Comptroller General; and such Depositors shall be entitled to such Security whenever the said Commissioners for the Reduction of the National Debt or the Comptroller General acting under them shall certify to the Trustees and Managers of the Savings Bank that the said Condition has been complied with, and thereupon the said Savings Bank shall be considered to be a Government Security Savings Bank established under and subject to the Provisions of this Act; and thenceforth none of the Assets of such Savings Bank shall be alienated or disposed of save with the Consent in Writing of the said Commissioners or Comptroller General.

Accounts to be laid before Parliament.

XIII. An annual Account of all Deposits received and paid under the Authority of this Act, of all Stock purchased for or transferred to Depositors, and of the Expenses incurred for managing the Government Security Savings Banks during each Year ending the Twentieth Day of November, together with a Statement of the total Amount due at the Close of the Year to all Depositors in such Savings Banks, and of the Assets available to meet the Claims of such Depositors, shall be laid before both Houses of Parliament on or before the Thirty-first Day of March next after the Close of such Year.

XIV. All

XIV. All the Provisions of the Acts now in force relating to Savings Banks, as to Matters for which no other Provision is made by this Act, shall be deemed, as far as the same are not repugnant to or inconsistent with this Act, applicable to all Government Security Savings Banks.

Application of Provisions of previous Acts.

XV. Any Person acting or assisting in the Management of any Savings Bank not established under the Authority of this Act, and not having obtained the Security of the Government for the Depositors under this Act, who shall in respect of such Savings Bank use or assume the Name of "Government Security Savings Bank," or any Name or Description of a like Import, shall be guilty of a Misdemeanor; and any Person acting or assisting in the Management of any Bank or Office, Association or Institution, or pretended Association or Institution, for the Receipt of Deposits, whether at Interest or not, who shall use or assume in respect of such Bank or Office, Association or Institution, or pretended Association or Institution, the Name of "Savings Bank" or "Bank for Savings," with or without any Addition, (unless such Bank or Office, Association or Institution, shall have been sanctioned by the Commissioners for the Reduction of the National Debt, or by the Comptroller General acting under them, under the Authority of the Laws relating to Savings Banks, or shall have been established and shall be managed for charitable Purposes only, and not for the Gain or Profit of any Person or Persons other than the Depositors,) shall be guilty of a Misdemeanor.

Name of "Government Security Savings Bank" and "Savings Bank" not to be used by unauthorized Bodies or Persons.

SCHEDULE.

Regulations for the Management of Government Security Savings Banks.

1. The Bank shall be under the management of not less than Managers, who shall elect from among themselves Trustees; and such Trustees shall continue to be Managers ex officio.

2. The Trustees and Managers shall at their first meeting, and thereafter annually, elect from among themselves a Committee of Superintendence, to consist of not less than members, three to be a quorum. They shall also elect a Treasurer, and such paid officer or officers and servants as shall be necessary, and shall fix the salaries of such paid officers and servants, and shall thereupon, and from time to time as alterations may occur, report to the Commissioners for the Reduction of the National Debt, or to the Comptroller General, the names and residences of the Trustees and Managers and of the Committee of Superintendence, as also of the Treasurer and paid officers and servants, and the amount of salary fixed for each of such paid officers and servants.

N.B. The number of Trustees, Managers, Committee of Superintendence, and paid officers will necessarily be governed by local circumstances.

3. The office of the Trustees shall be to invest money with and withdraw money from the Commissioners, and to certify the annual and such other returns and accounts as the Commissioners or Comptroller General may require.

4. The office of the Committee of Superintendence shall be to superintend and control the establishment, and to examine and prove the correctness of the accounts; to ascertain by any two of their number, and then to certify to the Trustees, such amounts as from time to time it shall appear to be proper to invest with or necessary to withdraw from the Commissioners; and, conformably with its rules and regulations, to investigate and conduct generally all the affairs of the Bank. They may, at their discretion, convene special general meetings of the Trustees and Managers; and shall make to an annual general meeting a report of the proceedings and condition, and a general statement of the accounts, of the Bank during the preceding year. They shall meet in Committee once at least in every month, and as much oftener as they may think fit. They shall be empowered, if at any time they shall see sufficient cause, to suspend the Treasurer or any paid officer or servant, and shall forthwith report such suspension to the Commissioners for the Reduction of the National Debt, or to the Comptroller General and to a special general meeting of the Trustees and Managers to be forthwith convened for that purpose.

5. The

5. The office of the Managers shall be, to give personal attendance and supervision, whenever and throughout the time the Bank shall be open for the receipt and payment of money; to check every transaction, whether of receipt or repayment, and to sign such drafts on the Treasurer and for such sums as may be required. The autograph signature of every Trustee or Manager authorized to sign drafts on the Treasurer shall be transmitted to the Treasurer, under the signature of two Trustees; and no draft on the Treasurer shall be paid by him unless signed by at least one Trustee or Manager so authorized, countersigned by the Chief Officer of the Bank.

6. Any Trustee or Manager shall be at liberty to resign his office on giving one month's previous notice in writing to the Committee of Superintendence, who shall on receipt thereof transmit a copy to the National Debt Office. If a Trustee or Manager shall become bankrupt or insolvent he shall thereupon cease to be a Trustee or Manager.

7. The office of the Treasurer shall be to receive, at the close of each day's business, and duly account for, such sums as shall be paid to him by a Manager or officer of the Bank on the Bank's account; to pay, on such account, and to such person as may be therein named, such drafts upon him as may be duly signed by the Manager of the Bank in attendance, and countersigned by an officer of the Bank specially appointed for that purpose, and notified to the Treasurer by the Trustees; to remit to, or to receive from, the Commissioners, such sum or sums as, under the signatures of any two Trustees, witnessed by such officer as aforesaid, he may be in writing required so to remit or receive; and to render and certify to the Commissioners, or to the Comptroller General, such statements of account as they or he shall at any time require. The Treasurer shall give security to such amount, and in such form, as the Commissioners or Comptroller General may direct.

8. The Treasurer may, if he think fit, with the authority and consent of the Trustees and Managers, appoint a Clerk, to be paid by the Trustees and Managers to act as Cashier of the Savings Bank; and such Treasurer shall be responsible for the acts of such person so appointed in respect to the said office of Cashier in the Savings Bank.

9. A general meeting of the Trustees and Managers shall be held in the month of December or January in every year, to receive a report from the Committee of Superintendence, examine the accounts, and inspect generally all the proceedings of the Bank.

10. Special general meetings upon the order of the Committee of Superintendence, or upon the requisition of any three Trustees or Managers, delivered in writing to the chief officer, specifying the object for which such special meeting is required, shall be called, by letter transmitted to every Trustee and Manager, giving seven clear days' notice at least of the day, and hour, and place fixed for such special meeting, and stating its object, in the terms of such requisition.

11. Such annual or special general meetings shall not act unless at least one fourth of the whole body of the Trustees and Managers shall be present, but shall be adjourned to some future day, of which seven days notice shall be given to all Trustees and Managers.

12. At the annual general meeting, or at any special general meeting, when duly constituted, the Trustees and Managers shall fill up vacancies which may have occured in the Superintending Committee, or in the office of Treasurer, or among any of the paid officers of the Savings Bank; and may fill up any vacancies in and add to the number of their own body, whether Trustees or Managers; and certified copies of the minutes of all such proceedings shall be transmitted to the Commissioners for the Reduction of the National Debt.

13. No officer of a Government Security Savings Bank shall be removed by the Trustees and Managers, except at a general annual meeting, or at a special meeting duly convened for such purpose.

14. No person shall be appointed a superior officer of a Government Security Savings Bank who is under the age of 21; nor shall any person be appointed an officer of a Government Security Savings Bank, except by a majority of the Trustees and Managers present at such election, nor unless he write a fair legible hand, and is thoroughly acquainted with the rules of arithmetic and with book-keeping; and all appointments shall be made under the hands of not less than five Trustees and Managers, and in such form as shall be prescribed by the Commissioners or Comptroller General.

15. The names of the Trustees and Managers, with their places of residence, and also the names of the officers and servants of the Bank, shall be exhibited conspicuously in the general office.

16. One Manager at least shall attend at the Bank whenever it is open for the receipt of money from, and payment of money to, the Depositors; and no money shall be received or paid except in the presence of a Manager, presiding at the Bank in banking hours, and his signature in the Depositors' pass books to each sum received and repaid shall not under any circumstances be dispensed with.

17. The day or days, and hours, on which the Bank is authorized to be open for the receipt and repayment of deposits, shall be conspicuously notified both within and on the outer front of the room or place in which the Bank is held; and such notice shall distinctly state that Government security is not given to Depositors for any monies paid in by them at any other place or at any other times than those specified. The Manager in attendance, and the Clerk, shall take every possible means at the time a deposit account is opened, of obtaining precise means of identifying the Depositor, so as to ensure, at withdrawal, the repayment of the deposits to the rightful owner. And the Managers shall invariably warn the Depositors, on so making a first deposit, that the guarantee of the Government is confined exclusively to those sums which shall be paid at the office of the Bank, in the presence of a Manager, during the hours appointed by the Rules for the receipt of deposits, the payment of which shall have been verified by an entry in the pass book, with the signature thereto of the Manager in attendance.

18. If any Cashier, Clerk, or other officer or servant shall receive or repay money, except in the presence of a Manager, and in the Bank office, and at the proper desk or counter, and during the banking hours, such Cashier, Clerk, or other officer shall be dismissed forthwith by the Trustees and Managers,

Managers, and immediate notice thereof shall be given to the Commissioners for the Reduction of the National Debt or to the Comptroller General.

19. A pass book shall be furnished to each Depositor on opening an account. It shall be free of charge, that it may be the property of the Bank in case of necessity for impounding it. In the case of a lost book, a duplicate, conspicuously so marked, may, on satisfactory explanation, be furnished on payment of a fine of one shilling, On the pass book shall be conspicuously printed the terms on which the Government guarantee is given.

20. When it is desired to make an additional deposit to an account already open the personal attendance of the Depositor may be dispensed with, but the money shall not be received unless the pass book be presented, in order that the proper entry may at the same time be made therein.

21. Depositors shall not withdraw money without previous notice of at least one week, except under sudden and unforeseen circumstances, when, at the discretion of the Manager in attendance, repayment may be made without notice to the extent of Five Pounds; but no repayment shall be made except to the Depositor personally, or to the bearer of an order signed by the Depositor, on a printed form, to be obtained only at the Bank office during business hours, and then deliverable only to the person who is intended to be appointed by the Depositor to receive the money.

22. In the case of joint or trust accounts no repayment shall be made without a receipt signed by all the parties in whose names the account may stand, or by some party duly authorized by all the Depositors, unless otherwise allowed by the authority of the Comptroller General of the National Debt Office.

23. The receipt of the Depositor or of the person presenting the Depositor's pass book, with the order of the Depositor authorizing the payment, shall, on such payment being entered in the pass book and signed by the Manager, be a legal discharge for all payments so made on account of the Depositor.

24. If any Depositor shall become insane, imbecile, or otherwise incapacitated to act, and the fact and the urgency of the case be established to the satisfaction of the Superintending Committee, it shall be stated to the Comptroller General of the National Debt Office, under whose authority the whole or any part of the sum deposited may be applied in such manner as shall appear to the Trustees and Managers most for the benefit of such Depositor; and the receipt of the person or persons to whom such payments are made shall be a good and valid discharge.

25. Depositors may transfer the amount of their deposits and interest from one Government Security Savings Bank to another, without withdrawing the amount in cash from the one and depositing it in cash in the other; and such transfer will be effected by the Commissioners, upon the receipt of the necessary vouchers, by debiting the amount to the one Savings Bank and crediting it to the other in the books at the National Debt Office. Proper forms will be provided by the Commissioners for this purpose.

26. Upon the final closing of a Depositor's account, the pass book shall not be returned to the Depositor, but shall be retained by the Bank, and disposed of under the direction of the Commissioners, to whom a monthly Report shall be made of all accounts closed.

27. The Manager in attendance shall keep a journal, and the Cashier a cash book, both ruled uniformly, in which all receipts and repayments shall be recorded; each entry specifying the number and name of the Depositor, and the amount so received or repaid. The money tendered by or paid to the Depositor is to be received or paid by the Cashier, and the amount entered by him first in his own cash book, and next in the Depositor's pass book, which is then to be handed to the Manager, who shall inquire of the Depositor his or her name, and the amount of the sum deposited or withdrawn, in order that he may see and satisfy himself that the answer given by the Depositor corresponds with the entry made by the Cashier in the pass book. The Manager shall then by his signature to the transaction in the pass book verify its correctness, and enter the particulars in his journal, and return the pass book to the Depositor. When a further deposit or withdrawal takes place the same exact course as to cash book, pass book, and journal must be taken by Cashier, Depositor, and Manager.

28. At the close of the business of each day on which the Bank is open, the several entries in the cash book, both of receipts and repayments, shall be compared, checked, and verified by the Manager in the manner following: The Manager, calling to his assistance some person not being the person who has kept the cash book that day, shall take the cash book while his assistant calls over from the Manager's journal each entry, both of receipt and payment, the Manager thereby ascertaining that both books correspond. The totals of the amounts respectively deposited and repaid shall in like manner be compared, and shall be verified at foot, by the signature of the Manager and the Cashier respectively in his own book, and in the book of the other. The money balance remaining from the deposits and repayments of the day shall then be counted, and agreed with the Manager's record of the day's transactions, before any Clerk or servant of the Bank shall leave the office: and the correct amount, and any sum which may be found in excess thereof, shall then at once be paid over by the Manager to the Treasurer, who shall, on receiving the same, sign two receipts for the amount, one for the Manager, and the other to be forwarded by post, by the Treasurer himself, to the Commissioners or to the Comptroller General.

29. A statement of the result of each day's transactions with the Depositors, and of the amount paid over to the Treasurer, shall also be at the same time made out by the Cashier according to a form to be provided by the Commissioners, and shall be delivered by him to the Manager, who, having satisfied himself as to the accuracy of the statement, shall certify to that effect on the face of it, and shall himself forward it by post the same day to the Commissioners, and the Savings Bank shall not be closed for the day until their duties have been completed by the respective parties.

30. The accounts in the ledgers and the other Bank books shall be kept in such form as the Commissioners may from time to time prescribe; and the respective

respective amounts received and paid shall be posted in the ledger from the Cashier's cash book, and such postings checked and agreed with the Manager's journal previously to the next ensuing day on which the Bank is opened.

31. The rate of interest payable to the Depositors, and the amount upon which and time at which such interest shall commence, shall be fixed by the Trustees and Managers, with the sanction of the Commissioners or Comptroller General; and no alteration shall be made therein without the like sanction.

32. The fund out of which the Managers shall defray the year's expenses of the management of the Bank shall accrue from the excess of the aggregate amount of interest paid by the Commissioners to the Bank on the transactions of the year, over the amount paid or credited by the Bank to the Depositors.

33. For uniformity of system, and for economy, pass books, ledgers, and all other necessary books and forms, required for transacting the business in the Savings Bank, and for rendering returns and accounts to the Commissioners or Comptroller General, will be provided by the Commissioners, and each Savings Bank will be supplied therewith at cost price.

Savings Banks.

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to Savings Banks, and to provide for the Establishment of Savings Banks with the Security of the Government.

(*Prepared and brought in by The Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1857.

[Bill 62.]

Under 2 oz.

29 *May* 1857. 20 Vict. (Sess 2.)

A

BILL

TO

Amend the Act 6 & 7 Victoria, Chapter 36., to exempt from County, Borough, Parochial, and other Local Rates, Land and Buildings occupied by Scientific and Literary Societies.

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty it was enacted, from and after the First Day of October One thousand eight hundred and forty-three, no Person or Persons should be assessed or rated or liable to be assessed or rated or liable to pay to any County, Borough, Parochial, or other Local Rates or Cesses, in respect of any Lands, Houses, or Buildings, or Parts of Houses or Buildings, belonging to any Society instituted for Purposes of Science, Literature, or the Fine Arts exclusively, either as Tenant or as Owner, and occupied by it for the Transaction of its Business and for carrying into effect its Purposes; provided, that such Society should be supported wholly or in part by annual voluntary Contributions, and should not, and by its Laws might not, make any Dividend, Gift, Division, or Bonus in Money unto or between any of its Members; and provided also, that such Society should obtain the Certificate of the Barrister-at-Law or Lord Advocate, as thereinafter mentioned: And whereas it is expedient to amend the said Statute:

Preamble.

6 & 7 Vict. c. 36.

Statute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repealing Part of recited Act.

I. From and after the *First Day of September One thousand eight hundred and fifty-seven* so much of the said Act as is herein-before recited, as also the whole of Section Six of the said Act, shall be repealed.

Lands, &c. occupied exclusively by any Society instituted for Purposes of Science not to be rated to County or other local Rates or Cesses.

II. From and after the *First Day of September One thousand eight hundred and fifty-seven* no Person or Persons shall be assessed or rated or liable to pay to any County, Borough, Parochial, or other local Rates or Cesses in respect of any Lands, Houses, or Buildings or Parts of Houses or Buildings exclusively occupied by any Society instituted for Purposes of Science, Literature, Education, or the Arts, and supported wholly or in part by annual voluntary Contributions, and which shall not, and by its Laws may not, make any Dividend, Gift, Donation, or Bonus in Money unto or between any of its Members: Provided, that such Society shall obtain the Certificate of the Barrister-at-Law, as provided by the recited Act, or the Certificate of the Registrar of Friendly Societies in Scotland, as herein-after provided.

The Letting for the Purposes of Science any Part of Land or Buildings not to prejudice the Title of such Society to Exemption.

III. If any such Society shall occasionally let, for Purposes connected with Science, Literature, Education, or the Arts, any Part of the Land or Buildings occupied by it, such Letting shall not prejudice or prevent the Title of such Society to the Exemption aforesaid; but for the Purposes of this Act the said Land and Buildings shall be deemed to be exclusively occupied by such Society for Purposes of Science, Literature, Education, or the Arts.

If let for other Purposes, or occupied as a Residence, such Parts to be liable to be rated.

IV. If any Parts of the Land or Buildings occupied by any such Society shall be let for other Purposes than those mentioned in Section Three, or shall be occupied as the Residence of any Officer or Servant of the Society, such Parts shall be assessed and rated as separate and distinct Tenements for all Purposes of County, Borough, Parochial, or other local Rates and Cesses.

Certificate directed to be obtained from the Lord Advocate to be issued by the Registrar of

V. The Certificate directed by the recited Act to be obtained from the Lord Advocate, or any Depute appointed by him to certify the Rules of Friendly Societies in Scotland, shall, from and after the *First Day of September One thousand eight hundred and fifty-seven*, be applied for to and issued by the Registrar of Friendly Societies in

in Scotland; and all the Powers, Duties, and Provisions by the recited Act made applicable to the Lord Advocate or such Depute shall be transferred to and be applicable to such Registrar; and all the Powers, Duties, and Provisions by the recited Act granted, imposed upon, or made applicable to the Clerk of the Peace for the Borough or County, shall, in Scotland, be applicable to the Sheriff Clerk of the County where the Lands, Houses, or Buildings of the Society are situate; and all the Powers, Duties, and Provisions by the recited Act granted, imposed upon, or made applicable to the Recorder or Justices for the Borough or County shall, in Scotland, be applicable to the Sheriff of the County where such Lands, Houses, or Buildings are situate, in the same Manner and to the same Effect as the same are by the recited Act made applicable to such Clerk of the Peace, Recorder, or Justices respectively.

Friendly Societies.

VI. The Certificate aforesaid shall be conclusive Evidence that the Society therein named was at the Date thereof a Society within the Meaning of this Act, and no further Evidence thereof than the Production of such Certificate shall be required by any Court.

Certificate to be conclusive Evidence.

VII. If any such Society shall be conducted for Purposes different from those set forth in the Laws, Rules, and Regulations, after the same shall have been allowed and confirmed or filed, the Exemption from Rates and Cesses by virtue of the said recited Act or this Act shall cease; but nothing herein contained shall prevent any such Society from applying for a fresh Certificate as often as need be.

Societies conducted for Purposes other than those set forth in the Laws, &c. to forfeit Exemption.

VIII. This Act and the said recited Act shall be construed as One Act.

Acts to be construed together.

Scientific and Literary Societies.

A

BILL

To amend the Act 6 & 7 Victoria, Chapter 36., to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific and Literary Societies.

(Prepared and brought in by Mr. Hutt, Lord Stanley, and Mr. William Ewart.)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1857.

[Bill 35.]

Under 1 *oz.*

19 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Amend the Acts to prevent the spreading of contagious or infectious Disorders amongst Sheep, Cattle, and other Animals.

WHEREAS by an Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled "An Act to "prevent, until the First Day of September One thousand "eight hundred and fifty, and to the End of the then Session of Par- "liament, the spreading of contagious or infectious Disorders among "Sheep, Cattle, and other Animals," after reciting that a contagious or infectious Disorder known or described as the Sheep-pox or "Variola Ovina" then prevailed among the Sheep in some Parts of the United Kingdom, and that it was necessary to take Measures to prevent such Disorder from spreading, it was enacted (amongst other things), that in case any Sheep or Lambs infected with or labouring under the said Disorder, or any Disorder of the like Nature, should be exposed or offered for Sale, or be brought or attempted to be brought for the Purpose of being so exposed or offered for Sale, in any Market, Fair, or other open or public Place where other Animals are commonly exposed for Sale, then and in any such Case it should be lawful for any Clerk or Inspector or other Officer of such Fair or Market, or for any Constable or Policeman, or for any other Person authorized by

Preamble. 11 & 12 Vict. c. 107.

by the Mayor, or by any Two Justices of the Peace having Jurisdiction in the Place, or for any Person authorized or appointed by Her Majesty in Council, to seize the same, and to report such Seizure to the Mayor or any Justice of the Peace having Jurisdiction in the Place; and that it should be lawful for such Mayor or Justice, either to restore the same, or to cause the same, together with any Pens, Hurdles, Troughs, Litter, Hay, Straw, or other Articles which he might judge likely to have been affected thereby, to be forthwith destroyed or otherwise disposed of in such Manner as he should deem proper, or as might be directed in the Manner therein-after provided; and any Person bringing or attempting to bring any Sheep, Lambs, Oxen, Bulls, Cows, Calves, or other Horned Cattle into any such Market, Fair, or open or public Place as aforesaid, knowing such Sheep, Lambs, or Cattle to be infected with or labouring under either of such Disorders as aforesaid, should, upon Conviction thereof, forfeit and pay for each and every such Offence a Sum not exceeding Twenty Pounds; and it was further enacted, that if any Person should turn out, keep, or depasture any Sheep or Lambs infected with or labouring under the said Disorder in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, Waste Land, open Field, Road Side, or other undivided or uninclosed Land, such Person should, on Conviction thereof, forfeit and pay any Sum not exceeding Twenty Pounds; and Provision is by the said Act now in recital made with respect to the Penalties or Forfeitures thereby imposed, and the Recovery and Application thereof: And whereas by an Act of Parliament passed in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to extend and continue an Act of the "Twelfth Year of Her present Majesty to prevent the spreading of con-"tagious or infectious Disorders amongst Sheep, Cattle, or other "Animals," it was enacted, that any Person bringing or attempting to bring for Sale any Horse or other Animal into any Market, Fair, or other open or public Place where Animals are commonly exposed for Sale, knowing such Horse or other Animal to be infected with or labouring under the Disease called Glanders, and any Person turning out, keeping, or depasturing any Horse or other Animal infected with or labouring under such Disease in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, Waste Land, open Field, Road Side, or other undivided or uninclosed Land, should, on Conviction of any such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and it was declared and enacted, that the said Act herein first recited should be read and construed as if the now reciting Enactment were incorporated therein, and all the Provisions of the said first-recited Act with respect to the Penalties or Forfeitures thereby imposed, and the Recovery and Application thereof, should be applicable accordingly; and the said first-recited Act, as extended by the Act now in recital,

16 & 17 Vict. c. 62.

was

was continued until the First Day of September One thousand eight hundred and fifty-six, or, if Parliament was then sitting, until the End of the then Session of Parliament: And whereas the said several Acts herein-before recited were, by an Act passed in the Twentieth Year of the Reign of Her present Majesty, further continued until the First Day of August One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament: And whereas it is expedient that the said several Acts should be extended and further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 101.

The Owner of infected Horses, Cattle, or Sheep exposed for Sale in any Market, Fair, &c., subjected to a Penalty of 20*l*.

The like Penalty for turning out infected Cattle in any public Field, Common, &c.

I. From and after the *passing of this Act* any Person exposing or bringing or attempting to expose or bring any Horse, Ox, Bull, Cow, Calf, or other Horned Cattle, Sheep, Lamb, or other Animal into any Market, Fair, or other open or public Place where Animals are commonly exposed for Sale, knowing such Horse, Ox, Bull, Cow, Calf, or other Horned Cattle, Sheep, Lamb, or other Animal to be infected with or labouring under the Diseases called Glanders, Pleuro-pneumonia, Sheep Pox, Variola Ovina, any or either of them, or any other contagious or infectious Disorder; and any Person turning out, keeping, or depasturing any Horse, Ox, Bull, Cow, Calf, or other Horned Cattle, Sheep, Lamb, or other Animal infected with or labouring under the said Diseases, any or either of them, or any other contagious or infectious Disorder, in or upon any Forest, Chase, Wood, Moor, Marsh, Heath, Common, Waste Land, open Field, Road Side, or other undivided or uninclosed Land, shall, on Conviction of any such Offence, forfeit and pay any Sum not exceeding *Twenty Pounds;* and the said Acts respectively herein-before recited shall continue in force and be read and construed as if this Enactment were incorporated therein, and all the Provisions of the said Acts respectively with respect to the Penalties and Forfeitures thereby imposed, and the Recovery and Application thereof, shall be applicable accordingly.

Sheep, &c. Contagious Diseases Prevention.

A

BILL

To amend the Acts to prevent the spreading of contagious or infectious Disorders amongst Sheep, Cattle, and other Animals.

(Prepared and brought in by Mr. Bentinck and Mr. Stafford.)

Ordered, by The House of Commons, *to be Printed,* 19 *May* 1857.

[Bill 23.]

Under 1 *oz.*

18 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Facilitate the procuring of Sites for Workhouses in certain Cases.

WHEREAS it is provided by the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-nine, that any Ecclesiastical Corporation Sole may dispose of, by way of absolute Sale or in exchange for any Messuages, Lands, or other Hereditaments, any Lands or Buildings for the Purpose of the same being used as or converted into a Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor which the Poor Law Commissioners might approve of, and to convey the same, and the Fee Simple and Inheritance thereof, unto the Guardians of any Union or Parish, or their Successors, and to accept from and give to such Guardians any Moneys by way of Equality of Exchange: And whereas Difficulty has arisen in carrying this Provision into execution where the Person who constitutes any Ecclesiastical Corporation Sole is insane, and it is expedient to provide a Remedy for such Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. Recital of 5 & 6 W. 4. c. 69. s. 1. in Part.

I. If the Guardians of any Union or Parish, or the Managers of any School District, shall be desirous of purchasing or of exchanging for

Provision for the Acquisition of Sites for a Work-

house, when the Land belongs to an Ecclesiastical Corporation Sole unsound in Mind.

for the Purposes mentioned in the said Act, or in any Act incorporated therewith or extending or explaining the same, any Land or Building belonging to any Ecclesiastical Corporation Sole, and the Person for the Time being entitled to such Land or Building by virtue of his Office shall be found upon a Commission issued by the Lord Chancellor intrusted as in the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Seventy, to be insane, it shall be competent for such Guardians or Managers to petition the said Lord Chancellor, intrusted as aforesaid, for Leave to purchase or exchange any such Land or Buildings so belonging to such Corporation Sole, and upon such Petition the said Lord Chancellor may make such Order as shall seem to him to be proper; and if he shall see fit to authorize the Sale or Exchange of any Land or Building, the same shall on behalf of such Corporation Sole be conveyed to or received in exchange from such Guardians or Managers, as the Case may be, (with the Consent of the Ordinary having Jurisdiction over such Corporation Sole, and with such further Consents if necessary as are herein-after mentioned), by such Person as the said Lord Chancellor shall by Order appoint, and the Purchase Money or the Money to be received for Equality of Exchange on behalf of such Corporation Sole shall (except as herein-after mentioned) be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the said Corporation Sole, and thenceforth all Proceedings authorized by the Second Section of the said herein-before first-mentioned Act shall be applicable to such Sum of Money paid to the Account of the said Accountant General.

Certain Consents to be obtained to the Acquisition.

II. Provided nevertheless, That if the said Corporation Sole shall be the Incumbent of any Benefice, the Consent of the Patron of the said Benefice shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and if the said Land or Building so to be sold or exchanged as aforesaid or any Part thereof shall have been purchased by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy, or have been otherwise appropriated or annexed by or with the Consent, Concurrence, or Direction of the said Governors to the said Benefice for the Augmentation thereof, the Consent of the said Governors shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and in either of such Cases the said Purchase Money, or the Money to be received for Equality of Exchange as aforesaid, shall be paid to the said Governors, and the Receipt of the Treasurer for the Time being of the said Governors shall be sufficient Discharge for the said Moneys, or for so much thereof as in such Receipt shall be expressed to be received; and all the Moneys

Application of Purchase Money.

Moneys to arise from such Purchase or Exchange as aforesaid shall (subject to any Stipulation or Agreement which the said Governors in their Discretion may think proper to make for Payment thereout of the Costs and Expenses of such Sale or Exchange) be 5 appropriated by the said Governors to the particular Benefice to which the said Land or Building comprised in such Sale or Exchange shall have previously belonged, and shall be applicable and disposable by them, for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Invest- 10 ment and other Powers or Authorities in all respects according to the Rules and Regulations of the said Governors for the Time being, as if the said Moneys or the Stocks or Funds which might be purchased therewith were then originally appropriated by the said Governors to such Benefice out of the General Funds and Profits of 15 the said Governors or otherwise for the Benefit and Augmentation thereof.

Application of Dividends or Annual Income until Investment.

III. Until the said Purchase Money or the Money so to be paid for Equality of Exchange as aforesaid shall have been reinvested in the Purchase of Land, Tithes, or other Hereditaments for the 20 Benefit of the said Corporation Sole, the Interest, Dividends, or Annual Income from Time to Time accruing thereon shall be applied in like Manner as the Rents and Profits of the Land or Building so purchased or exchanged would have been applicable if the same Land or Building had not been purchased or exchanged, 25 and the said Lord Chancellor may make such Order or Orders from Time to Time as may be requisite for the Purpose of such Application.

How Consent of Patron to be given.

IV. The Consent of the said Ordinary, Patron, and Governors hereby required shall be testified by the said Ordinary, Patron, and 30 Governors respectively executing the Deed or other Assurance by which the Land or Building sold or exchanged shall be conveyed or assured, except that in the Case of any Land or Building of Copyhold or Customary Tenure which shall be conveyed or assured by Surrender such Consent shall be testified by any Writing 35 under the Corporate Seal, or the Hand and Seal, as the Case may be, of each of the consenting Parties, which Writing, if produced to the Lord or Steward of the Manor of which the said Land or Building shall be holden, shall be a sufficient Authority to such Lord or Steward for accepting from the Person so appointed or 40 ordered to convey as aforesaid a Surrender of the same Land and Building, and such Writing shall be entered, with the Surrender, upon the Court Rolls of the said Manor.

Provision where the Right of Patronage is in the Crown, the Duke of Cornwall, or in Persons under Disability.

V. In any Case where upon the Sale of any such Land or Building as aforesaid belonging to any Benefice the Patronage of the said Benefice shall be in the Crown, or the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of Cornwall, or the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, the Consent required by this Act on the Part of the Patron of such Benefice shall be testified by the Execution of such Deed or Assurance or other Writing as aforesaid by such and the same Persons as by the Act of Parliament passed in the Session holden in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, intituled "An Act to amend the Law for providing fit Houses "for the Beneficed Clergy," are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said last-mentioned Act, or by certain other Acts therein mentioned or referred to, and in all other Cases the Consent required by this Act on the Part of the Patron of any Benefice shall be given by the Person or Persons who would be entitled to present, nominate, or collate to such Benefice in case the same were actually vacant at the Time of giving such Consent.

Interpretation of the Word "Benefice."

VI. In the Construction of this Act the Word "Benefice" shall be taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries the Incumbents of which respectively shall in right thereof be Corporations Sole.

1 Vict. c. 50. to apply to this Act and the Interpretation Clauses in 4 & 5 W. 4. c. 76. and 16 & 17 Vict. c. 70.

VII. The Provisions of the Act of the First Year of the Reign of Her present Majesty, Chapter Fifty, shall be applicable to this Act, and the several Terms herein used shall be construed as in the One hundred and ninth Section of the Act of the Fourth and Fifth William the Fourth, Chapter Seventy-six, and as in the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Seventy respectively.

Sites for Workhouses.

A

BILL

To facilitate the procuring of Sites for Workhouses in certain Cases.

(Prepared and brought in by Mr. Bouverie and Mr. Grey.)

Ordered, by The House of Commons, *to be Printed*, 18 *June* 1857.

[Bill 70.]

Under 1 *oz.*

565

Smoke Nuisance (Scotland) Abatement Bill.

ARRANGEMENT OF CLAUSES.

From and after Aug. 1, 1858, all Furnaces within the Limits of the Act to consume their own Smoke; Sect. 1.

How Act is to be enforced; 2.

Power to Justices to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same; 3.

Power to Constables to enter and inspect Furnaces and Steam Engines; 4.

No Information to be laid except by Authority; 5.

How Penalties to be recoverable and applied [*proposed to be inserted in Committee*].

What Premises or Localities subject to this Act; 6.

Provision where Local Authorities fail to act impartially; 7.

Interpretation of Terms; 8.

A

BILL

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

[*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

Preamble.

WHEREAS it is expedient to make Provision for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

From and after Aug. 1, 1858, all Furnaces within the Limits of the Act to consume their own Smoke.

I. From and after the First Day of August One thousand eight hundred and fifty-eight, every Furnace employed or to be employed in any Place to which this Act shall apply in the working of Engines by Steam, and every Furnace employed or to be employed in any Mill, Factory, Printing House, Dyehouse, Iron Foundry, Glasshouse, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, or other Buildings used for the Purpose of Trade or Manufacture in any such Place (although a Steam Engine be not employed therein), or in any Public Bath or Wash-house within the same, although such Public Bath or Wash-house shall not be used for the Purposes of Trade or Manufacture, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person shall, after the First Day of August One thousand eight hundred

hundred and fifty-eight, use in any such Place any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person so offending, being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier, shall, upon a summary Conviction for such Offence before the Sheriff or Sheriff Substitute of the County, or any Two Justices having Jurisdiction within the Place within which the Offence against this Act is alleged to have been committed, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, and shall also pay to the Local Authority the whole Costs incurred in the Proceedings for the Recovery of any such Penalty, for the due Payment of which the Sheriff or Justices awarding the same may grant Warrant for imprisoning the Offender till the same be duly paid, or Security therefor be given to the Satisfaction of the said Sheriff or Justices.

How Act is to be enforced.

II. The Proceedings for the Enforcement and Procedure under this Act shall, except where otherwise provided, be the same as are prescribed in Part IV. of "The Nuisances Removal (Scotland) Act, 1856;" and for that Purpose the Sheriff and Justices, and others acting under this Act, shall have and may exercise all the Powers and Authorities by that Act conferred on Sheriffs, Justices, and others for the particular Objects of that Act; and all Penalties received under this Act shall be applied towards the Expenses of carrying this Act into execution within the County in which the same are recovered.

Power to Justices to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same.

III. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Justice or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace.

Power to Constables to enter and inspect Furnaces and Steam Engines.

IV. If the Owner or Occupier of any Premises to which the Provisions of this Act shall apply shall refuse to allow their Premises to be inspected by a Person duly authorized by the Local Authority for that Purpose, it shall be lawful for any Constable authorized by Warrant under the Hand of any Justice of the Peace having Jurisdiction

diction within the Place where such Premises are situate, with or without any Assistant, to enter into and upon any Building or Premises in which any Furnace may be, or in which such noxious Trade or Business may be carried on, and to examine into the Construction of such Furnace, and into the Manner of carrying on such Trade or Business; and any Person obstructing any such Constable or his Assistant in the Execution of any such Warrant shall, upon a summary Conviction for such Offence before any Justice or Justices, forfeit and pay any Sum not exceeding Twenty Pounds.

No Information to be laid except by Authority.

V. Provided always, That no Information shall be laid against any Person for the Recovery of any Penalty under this Act, except by the Local Authority.

How Penalties to be recoverable and applied.

All Penalties by this Act imposed shall, as respects Offences committed against the Provisions thereof, be recoverable and applied according to the Provisions for the Recovery and Application of Penalties in Scotland under the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and twenty-three.

What Premises or Localities subject to this Act.

VI. Upon Report made to the Lord Advocate for Scotland by the Procurator Fiscal of any County, or of the Inspector of the Poor of any Parish in Scotland within which or any Part of which this Act shall not otherwise be in force, or upon a Memorial signed by not less than Two Persons, Owners or Occupiers of Lands and Heritages in any such Parish of the yearly Value of not less than Ten Pounds in the whole, as appearing by the Valuation Roll for the Time being made up under the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-one, addressed to the said Lord Advocate, setting forth that the Furnace or Furnaces employed in the working of an Engine or of Engines by Steam in any Parish in Scotland within which they or any of them have any Jurisdiction or Authority or shall reside, or that any other Furnace within the same Limits, although a Steam Engine be not employed therein, used in or for any Colliery, or in any Mill, Factory, Iron Works or Iron Foundry, Glass House, or Distillery, or in any other Premises used for the Purposes of Trade or Manufacture, is or creates a Nuisance, it shall be lawful for the said Lord Advocate, upon such Inquiry, and upon such Notice, and after hearing such Parties as he shall think fit, to declare the Parish within which such Nuisance shall be alleged to exist to be a Place within the Meaning of this Act, from and after Six Months after Notice thereof shall have been given in the Edinburgh Gazette by him or under his Authority, or he may in like Manner limit the Operation of this Act to the particular

ticular Locality or Premises mentioned and complained of in such Report or Memorial, and the Parish or particular Locality or Premises so declared shall thereupon be and become to all Intents and Purposes a Place within the Meaning and for the Purposes of this Act.

Provision where Local Authorities fail to act impartially.

VII. If it shall be made to appear to the Satisfaction of the Sheriff of any County within which this Act shall be in force, upon considering a Statement in any Memorial signed by not less than Five Persons, Owners or Occupiers of Lands and Heritages in any such County of the yearly Value of not less than Ten Pounds in the whole, as appearing by the Valuation Roll herein-before mentioned, addressed to such Sheriff, that the Local Authorities in any such County fail to proceed actively and impartially in noticing and suppressing Nuisances under this Act, it shall be lawful for any such Sheriff by any Writing under his Hand to nominate and appoint any Person he thinks fit to be a Local Authority under this Act for the particular City, Royal Burgh, Burgh of Barony, Burgh of Regality, Town, or Village, or for the particular Locality or Premises to which such Statement refers, and thereupon the Person so named shall, for the City or others herein last before named, as the Case may be, and for the Time mentioned in any such Writing, be deemed and taken to be a Local Authority within the Meaning and for the Purposes of this Act, and shall possess and may exercise all and the same Powers and Authorities as are by this Act conferred on any Local Authority specially named or described in the next succeeding Enactment.

Interpretation of Terms.

VIII. In this Act the Word "Place" shall mean every City or Royal Burgh in Scotland, and shall include the whole Area contained within the Parliamentary Limits or Boundaries thereof, and shall also mean and include every Parish in Scotland not being locally situate in any such City or Royal Burgh, within which or within any Part of which there is any Burgh of Barony, Burgh of Regality, Town, or Village containing a Population, together or separately, of Three hundred Persons or upwards, according to the Census for the Time being presented to both Houses of Parliament by Command of Her Majesty; and the Expression "Local Authority" shall mean the Procurator Fiscal of the County or the Inspector of the Poor of any Parish within which any Place may be partially or wholly situate, or the Commissioners of Police acting under any Local or General Act of Parliament within any such Place or any Part thereof.

Smoke Nuisance (Scotland) Abatement.

A

BILL

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

(*Brought from the Lords* 25 *June* 1857.)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 94.]

Under 1 *oz.*

Smoke Nuisance (Scotland) Abatement Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

From and after 1st Aug. 1858 all Furnaces within the Limits of the Act to consume their own Smoke; Sect. 1.

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same; 2.

Power to Constables to enter and inspect Furnaces and Steam Engines; 3.

No Information to be laid except by Authority; 4.

Form of Informations and Applications; 5.

Inderdict may be granted; 6.

No written Pleadings, &c. allowed; 7.

Justices and Magistrates not to act in certain Cases; 8.

Appeal in certain Cases; 9.

Expense may be awarded against the Local Authority; 10.

No Appeal otherwise; 11.

Service of Notices and Petitions; 12.

One or more joint Owners may be proceeded against alone; 13.

Expenses and Penalties due by Owners may be recovered from Occupiers, &c.; 14.

Expenses and Penalties due by Owners of Steam Vessels how to be recovered; 15.

As to Expenses incurred in executing this Act; 16.

How Moneys recovered under this Act to be applied; 17.

What Premises or Localities subject to this Act; 18.

Provision where Local Authorities fail to act impartially; 19.

Interpretation of Terms; 20.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

WHEREAS it is expedient to make Provision for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the First Day of August One thousand eight hundred and fifty-eight, every Furnace employed or to be employed in the working of Engines by Steam, whether locomotive or otherwise, in any Place to which this Act shall apply, or on board of any Steam Vessel passing to, stopping at or in any such Place, or in or at any Port, Pier, Landing Place, or Harbour within the same, and every Furnace employed or to be employed in any Mill, Factory, Printing House, Dyehouse, Iron Foundry, Glasshouse, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, or other Buildings used for the Purpose of Trade or Manufacture in any such Place (although a Steam Engine be not employed therein), or in any Public Bath or Wash-house within the same, although such Public Bath or Wash-house shall not be used for the Purposes of

From and after 1st Aug. 1858, all Furnaces within the Limits of the Act to consume their own Smoke.

of Trade or Manufacture, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person or Company shall, after the First Day of August One thousand eight hundred and fifty-eight, use in any such Place, or on board of any such Steam Vessel, any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person or Company so offending, being the Owner or Occupier of the Premises or the Owner of the Locomotive Engine in which any such Furnace shall be, or being a Foreman or other Person employed by such Owner or Occupier in connexion with such Furnace, or being the Owner or Master or other Person in charge for the Time being of any such Steam Vessel, shall, upon a summary Conviction for such Offence before the Sheriff or Sheriff Substitute of the County, or any Two Justices having Jurisdiction within the Place within which or adjacent to the Port, Pier, Landing Place, or Harbour in which the Offence against this Act is alleged to have been committed, where such Place is not a Royal Burgh, and where such Place is a Royal Burgh then before the Sheriff or Substitute of the County within which or within any Part of which the same shall be situate, or before the Magistrates of such Royal Burgh, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, and shall also pay to the Local Authority the whole Costs incurred in the Proceedings for the Recovery of any such Penalty.

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same.

II. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Sheriff, Sheriff Substitute, Magistrates, or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act, if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace; and if any Information shall be laid under this Act as to any Furnace in any Building or Premises situate in the Landward Part of a Parish, and at such a Distance from any Burgh, Town, or Village as, in the Opinion of the Sheriff, Sheriff Substitute, Magistrates, or Justices before whom such Information is laid, would not be a Nuisance, the said Sheriff, Sheriff Substitute, Magistrates, or Justices may, at his or their

their Discretion, either wholly remit the Penalty by this Act imposed, or any Part thereof, and may also refuse Costs of Suit.

Power to Constables to enter and inspect Furnaces and Steam Engines.

III. If the Owner or Occupier of any Premises, or the Master or other Person for the Time being in charge of any such Steam Vessel or Locomotive, to which the Provisions of this Act shall apply, shall refuse to allow their Premises, or Steam Vessel or Locomotive, or the Furnaces therein, to be inspected by a Person duly authorized by the Local Authority for that Purpose, it shall be lawful for any Constable authorized by Warrant under the Hand of any Justice of the Peace having Jurisdiction within the Place where such Premises are situate, or adjacent to which such Steam Vessel or Locomotive shall be, with or without any Assistant, to enter into or upon any such Premises, or Steam Vessel or Locomotive, in which any Furnace may be, and to examine into the Construction of such Furnace, but for no other Purpose; and any Person obstructing any such Constable or his Assistant in the Execution of any such Warrant shall, upon a summary Conviction for such Offence before any Sheriff, Sheriff Substitute, or Magistrates, or Justice or Justices, forfeit and pay any Sum not exceeding Twenty Pounds.

No Information to be laid except by Authority.

IV. Provided always, That no Information shall be laid against any Person for the Recovery of any Penalty under this Act, except by the Local Authority; provided also, that the Local Authority need not proceed under this Act as to any Furnace in the Landward Part of a Parish which is so situate with reference to any Burgh, Town, or Village as not, in the Opinion of the Local Authority, to be or to create a Nuisance.

CLAUSE A. Form of Informations and Applications.

V. All Informations which shall be laid, and all Applications to the Sheriff, Sheriff Substitute, Magistrates, or Justices, to enforce any Provision of this Act, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall thereupon, if he or they see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him or them in Person forthwith, and on advising such Answer, or hearing the Parties, may at once decern, or may appoint any competent Person to examine the Premises, or Steam Vessel or Locomotive, or the Furnaces therein, and report, and may decern on such Report, or may, if either Party desire it, order Proof to be led on any specific Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed, may adjourn the same from Time to Time until completed, and within Three Days after such Completion shall give Decree, and may find the Party

complained of liable in Expenses, and may grant Warrant for the Recovery of the Penalties and Expenses decerned for, and failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period at the Discretion of the Sheriff, Sheriff Substitute, Magistrates, or Justices, not exceeding Fourteen Days. 5

CLAUSE B. Interdict may be granted.

VI. It shall be competent to the Sheriff, Sheriff Substitute, Magistrates, or Justices in such Decree to interdict any Person convicted under this Act as aforesaid from using any such Furnace until it shall be so constructed or altered as to effectually consume or burn the Smoke arising therefrom; and if the said Interdict be 10 knowingly infringed by the Act or Authority of the Owner or Occupier of the Premises or Furnace, or of the Foreman or other Person employed by such Owner or Occupier in connexion with such Furnace, or the Owner or Master or other Person in charge for the Time being of any such Steam Vessel, such Owner or 15 Occupier, or Foreman or Master, or other Person aforesaid, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such Infringement.

Penalty for Breach of Interdict.

CLAUSE C. No written Pleadings, &c. allowed.

VII. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed; and the Sheriff, Sheriff Substitute, 20 Magistrates, or Justices shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

CLAUSE D. Justices and Magistrates not to act in certain Cases.

VIII. Where it shall appear to the Magistrates or Justices before 25 whom any Party may be cited under this Act that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, they shall certify or endorse their Opinion to that Effect on the Petition, and sign the same, and it shall thereupon be incompetent for the Local Authority 30 to proceed further before them in the Matter of such Petition, without Prejudice nevertheless to his instituting Proceedings of new in the same Matter before the Sheriff or Sheriff Substitute.

CLAUSE E. Appeal in certain Cases.

IX. Where it shall appear to the Sheriff Substitute that the Cost of the Operations necessary to alter or amend any Furnace 35 complained of will exceed the Sum of Twenty-five Pounds, he shall certify an Opinion to that Effect in the Decree, and the Parties shall thereupon be entitled to appeal to the Sheriff, on lodging within Three Days after the Decree a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall 40 operate as a Sist of Execution until the Appeal be determined; and on

on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of the Evidence, to the Sheriff, who shall thereupon proceed to give Judgment as aforesaid; and in the event of either Party being dissatisfied with 5 such Judgment he or they shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills, for Relief against such Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like 10 Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final, and in no Case subject to Review.

CLAUSE F. Expense may be awarded against the Local Authority.

X. It shall be competent to the Sheriff, Sheriff Substitute, Magistrates, or Justices to award Expenses against the Local Autho- 15 rity, in any Case in which he or they may think fit, and such Expenses shall be paid accordingly.

CLAUSE G. No Appeal otherwise.

XI. No Appeal from nor Suspension of any Decree or Sentence under this Act shall be competent, nor shall any Decree or Sentence be subject to any Review whatever, save in Cases certified as afore- 20 said.

CLAUSE H. Service of Notices and Petitions.

XII. Notices and Petitions under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are addresed, or on whom they are intended to be served, and in the Case of Companies at their nearest Office, Station, or Place 25 of Business, or by being put into the Post Office duly addressed to the Parties as aforesaid, or they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or One of the Crew of such Steam Vessel, or if there be no Person upon the Premises, or none of the Crew on board of such Steam 30 Vessel, on whom they can be so served, by fixing the same upon some conspicuous Part of the Premises or Steam Vessel.

CLAUSE I. One or more joint Owners may be proceeded against alone.

XIII. In case of any Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, or Owners of such Steam Vessel or Locomotive, may be jointly answerable, it 35 shall be sufficient to proceed against any one or more of them, without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

CLAUSE K. Expenses and Penalties due by Owners may be recovered from Occupiers, &c.

XIV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises, where the same are in the Occupation of any other Party than the Owner, to the Extent of the Rent thereof, if any, and if paid by him may be deducted from the Rent, and if not so paid shall to the Extent of Two Years Real Value of the Premises rank as a preferable Real Burden on the whole Premises in which the Furnace is situated or built in respect of which such Expenses or Penalties became due.

CLAUSE L. Expenses and Penalties due by Owners of Steam Vessels how to be recovered.

XV. All Expenses or Penalties decerned for against or due under this Act by an Owner of such Steam Vessel may be recovered from the Master or other Person for the Time being in charge thereof to the Extent of One hundred Pounds, and if not paid by him, or if such Expenses or Penalties shall amount to a larger Sum than One hundred Pounds, such Expenses and Penalties shall form the Subject of a Right of Lien over, Retention of, or Hypothec on such Steam Vessel, in favour of the Local Authority, and may be recovered by Arrestment or Attachment of such Steam Vessel.

CLAUSE M. As to Expenses incurred in executing this Act.

XVI. All Charges and Expenses incurred by the local Authority in any Proceeding under this Act, in any Place to which this Act shall apply, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner and under like Powers, which are hereby given, as the Assessment for the Relief of the Poor of the Parish or Place in which the Penalties may have been incurred, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

CLAUSE N. How Moneys recovered under this Act to be applied.

XVII. All Moneys recovered by a Local Authority under this Act shall be applied towards the Expense of executing and enforcing this Act, and any Surplus which may thereafter remain shall be paid to the Parochial Board of the Parish or Combination of Parishes in which the Premises complained of may have been situated, and shall by them be applied in aid of the Rates or Funds for the Relief of the Poor of such Parish or Combination of Parishes.

What Premises or Localities subject to this Act.

XVIII. Upon Report made to the Lord Advocate for Scotland by the Procurator Fiscal of any County, or of the Inspector of the Poor of any Parish in Scotland within which or any Part of which this Act shall not otherwise be in force, or upon a Memorial signed by not less than Two Persons, Owners or Occupiers of Lands and Heritages in any such Parish of the yearly Value of not less than Ten Pounds in the whole, as appearing by the Valuation Roll for the

Time

Time being made up under the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-one, addressed to the said Lord Advocate, setting forth that the Furnace or Furnaces employed in the working of an Engine or of Engines 5 by Steam in any Parish in Scotland within which they or any of them have any Jurisdiction or Authority or shall reside, or that any other Furnace within the same Limits, although a Steam Engine be not employed therein, used in or for any Colliery, or in any Mill, Factory, Iron Works or Iron Foundry, Glass House, or Distillery, or 10 in any other Premises used for the Purposes of Trade or Manufacture, is or creates a Nuisance, it shall be lawful for the said Lord Advocate, upon such Inquiry, and upon such Notice, and after hearing such Parties as he shall think fit, to declare the Parish within which such Nuisance shall be alleged to exist to be a Place within the Meaning 15 of this Act, from and after Six Months after Notice thereof shall have been given in the Edinburgh Gazette by him or under his Authority, or he may in like Manner limit the Operation of this Act to the particular Locality or Premises mentioned and complained of in such Report or Memorial, and the Parish or particular Locality or Premises 20 so declared shall thereupon be and become to all Intents and Purposes a Place within the Meaning and for the Purposes of this Act.

Provision where Local Authorities fail to act impartially.

XIX. If it shall be made to appear to the Satisfaction of the Sheriff of any County within which this Act shall be in force, upon considering a Statement in any Memorial signed by not less than 25 Five Persons, each such Person being the Owner or Occupier of Lands and Heritages in any such County of the yearly Value of not less than Ten Pounds in the whole, as appearing by the Valuation Roll herein-before mentioned, addressed to such Sheriff, that the Local Authorities in any such County fail to proceed actively and impar- 30 tially in noticing and suppressing Nuisances under this Act, it shall be lawful for any such Sheriff by any Writing under his Hand to nominate and appoint any Person he thinks fit to be a Local Authority under this Act for the particular Place, or for the particular Locality or Premises, Steam Vessel or Locomotive, to which such Statement 35 refers, and thereupon the Person so named shall, for the City or others herein last before named, as the Case may be, and for the Time mentioned in any such Writing, be deemed and taken to be a Local Authority within the Meaning and for the Purposes of this Act, and shall possess and may exercise all and the same Powers and Autho- 40 rities as are by this Act conferred on any Local Authority specially named or described in the next succeeding Enactment.

Interpretation of Terms.

XX. In this Act the Word "Place" shall mean every City or Royal Burgh in Scotland, and shall include the whole Area contained

tained within the Parliamentary or Police Limits or Boundaries thereof, and shall also mean and include every Parish in Scotland not being locally situate in any such City or Royal Burgh, within which or within any Part of which there is any Burgh of Barony, Burgh of Regality, Town, or Village containing a Population, together or separately, of Three hundred Persons or upwards, according to the Census for the Time being presented to both Houses of Parliament by Command of Her Majesty; and the Expression "Local Authority" shall mean the Procurator Fiscal of the Burgh or County, or of any District thereof, whether in the Sheriff Court or to the Justices of the Peace, or the Inspector of the Poor of any Parish within which any Place may be partially or wholly situate, or the Commissioners of Police acting under any Local or General Act of Parliament within any such Place or any Part thereof.

Smoke Nuisance (Scotland) Abatement.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

(*Brought from the Lords 25 June* 1857.)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 121.]

Under 2 oz.

Smoke Nuisance (Scotland) Abatement Bill.

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT.]

ARRANGEMENT OF CLAUSES.

From and after 1st Aug. 1858 all Furnaces within the Limits of the Act to consume their own Smoke; Sect. 1.

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same; 2.

No Complaint to be brought except by Authority; 3.

Form of Complaints and Applications; 4.

No written Pleadings, &c. allowed; 5.

Justices and Magistrates not to act in certain Cases; 6.

Appeal in certain Cases; 7.

Expense may be awarded against the Local Authority or Party complaining; 8.

No Appeal otherwise; 9.

Service of Notices and Petitions; 10.

One or more joint Owners may be proceeded against alone; 11.

As to Expenses incurred in executing this Act; 12.

How Moneys recovered under this Act to be applied; 13.

Interpretation of Terms; 14.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

WHEREAS it is expedient to make Provision for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the First Day of August One thousand eight hundred and fifty-eight, every Furnace employed or to be employed in the working of Engines by Steam, whether locomotive or otherwise, in any Place to which this Act shall apply, or on board of any Steam Vessel stopping at or in any such Place, or in or at any Port, Pier, Landing Place, or Harbour within the same, or when plying on any Part of a River which at such Part shall not exceed a Quarter of a Mile in Breadth, and every Furnace employed or to be employed in any Mill, Factory, Printing House, Dyehouse, Iron Foundry, Glasshouse, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, or other Buildings used for the Purpose of Trade or Manufacture in any such Place (although a Steam Engine be not employed therein), or in any Public Bath or Wash-house within the same, although such Public Bath or Wash-house shall not be used for the Purposes of

From and after 1st Aug. 1858, all Furnaces within the Limits of the Act to consume their own Smoke.

of Trade or Manufacture, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person or Company shall, after the First Day of August One thousand eight hundred and fifty-eight, use in any such Place, or on board of any such Steam Vessel, any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person or Company so offending, being the Owner or Occupier of the Premises or the Owner of the Locomotive Engine in which any such Furnace shall be, or being a Foreman or other Person employed by such Owner or Occupier in connexion with such Furnace, or being the Owner or Master or other Person in charge for the Time being of any such Steam Vessel, shall, upon a summary Conviction for such Offence before the Sheriff or Sheriff Substitute of the County, or any Two Justices having Jurisdiction within the Place within which or adjacent to the Port, Pier, Landing Place, River, or Harbour in which the Offence against this Act is alleged to have been committed, where such Place is not a Burgh, and where such Place is a Burgh then before the Sheriff or Substitute of the County within which or within any Part of which the same shall be situate, or before the Magistrates of such Burgh, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, and shall also pay to the Local Authority the whole Costs incurred in the Proceedings for the Recovery of any such Penalty.

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same.

II. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Sheriff, Sheriff Substitute, Magistrates, or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act, if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace.

No Complaint to be brought except by Authority.

III. Provided always, That no Complaint shall be brought against any Person for the Recovery of any Penalty under this Act, except by the Local Authority or by the Owner or Occupier of Premises with reference to which the Furnace is so situate as to create an Annoyance to the Occupiers of such Premises, and in either Case with the Concourse of the Lord Advocate.

IV. All

CLAUSE A. Form of Complaints and Applications.

IV. All Complaints which shall be brought, and all Applications to the Sheriff, Sheriff Substitute, Magistrates, or Justices to enforce any Provision of this Act, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall thereupon appoint the Petition to be answered within Three Days, or may order the Parties to attend him or them in Person forthwith, and on advising such Answer, or hearing the Parties, may at once decern, or may, if either Party desire it, order Proof to be led on any specific Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed, may adjourn the same from Time to Time until completed, and within Three Days after such Completion shall give Decree, and may find the Party complained of liable in Expenses, and may grant Warrant for the Recovery of the Penalties and Expenses decerned for, and failing Payment within Eight Days after Conviction, by Poinding, and Imprisonment for a Period at the Discretion of the Sheriff, Sheriff Substitute, Magistrates, or Justices, not exceeding Fourteen Days.

CLAUSE C. No written Pleadings, &c. allowed.

V. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

CLAUSE D. Justices and Magistrates not to act in certain Cases.

VI. Where it shall appear to the Magistrates or Justices before whom any Party may be cited under this Act that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, they shall certify or endorse their Opinion to that Effect on the Petition, and sign the same, and it shall thereupon be incompetent for the Local Authority to proceed further before them in the Matter of such Petition, without Prejudice nevertheless to his instituting Proceedings of new in the same Matter before the Sheriff or Sheriff Substitute.

CLAUSE E. Appeal in certain Cases.

VII. Where it shall appear to the Sheriff Substitute that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, he shall certify an Opinion to that Effect in the Decree, and the Parties shall thereupon be entitled to appeal to the Sheriff, on lodging within Three Days after the Decree a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall

operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of the Evidence to the Sheriff, who shall thereupon proceed to give Judgment as aforesaid; and in the event of either Party being dissatisfied with such Judgment he or they shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills, for Relief against such Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final, and in no Case subject to Review.

Clause F. Expense may be awarded against the Local Authority or Party complaining.

VIII. It shall be competent to the Sheriff, Sheriff Substitute, Magistrates, or Justices to award Expenses against the Local Authority, or against any Party complaining with Concourse as aforesaid, in any Case in which he or they may think fit, and such Expenses shall be paid accordingly.

Clause G. No Appeal otherwise.

IX. No Appeal from nor Suspension of any Decree or Sentence under this Act shall be competent, nor shall any Decree or Sentence be subject to any Review whatever, save in Cases certified as aforesaid.

Clause H. Service of Notices and Petitions.

X. Notices and Petitions under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are addressed, or on whom they are intended to be served, and in the Case of Companies at their nearest Office, Station, or Place of Business, or by being put into the Post Office duly addressed to the Parties as aforesaid, or they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or One of the Crew of such Steam Vessel.

Clause I. One or more joint Owners may be proceeded against alone.

XI. In case of any Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, or Owners of such Steam Vessel or Locomotive, may be jointly answerable, it shall be sufficient to proceed against any one or more of them, without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Clause M. As to Expenses incurred in executing this Act.

XII. All Charges and Expenses incurred by the Local Authority in any Proceeding under this Act, in any Place to which this Act shall

shall apply, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner and under like Powers, which are hereby given, as the Assessment for the Relief of the Poor of the Parish or Place in 5 which the Penalties may have been incurred, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

CLAUSE N. How Moneys recovered under this Act to be applied.

XIII. All Moneys recovered by a Local Authority under this Act shall be applied towards the Expense of executing and enforcing 10 this Act, and any Surplus which may thereafter remain shall be paid to the Parochial Board of the Parish or Combination of Parishes in which the Premises complained of may have been situated, and shall by them be applied in aid of the Rates or Funds for the Relief of the Poor of such Parish or Combination of Parishes.

Interpretation of Terms.

15 XIV. In this Act the Word "Place" shall mean every City or Royal Burgh in Scotland, and shall include the whole Area contained within the Parliamentary or Police Limits or Boundaries thereof, provided the same comprehend a Population of not less than Two thousand, and shall also mean and include every Burgh of Barony, 20 Burgh of Regality, containing a similar Amount of Population, according to the Census for the Time being presented to both Houses of Parliament by Command of Her Majesty; and the Expression "Local Authority" shall mean the Procurator Fiscal of the Burgh or County, or of any District thereof, or the Commissioners 25 of Police acting under any Local or General Act of Parliament within any such Place or any Part thereof.

Smoke Nuisance (Scotland) Abatement.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RECOMMITMENT]

INTITULED

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland.

(*Brought from the Lords* 25 *June* 1857.)

Ordered, by The House of Commons, *to be Printed,* 29 *July* 1857.

[Bill 167.]

Under 1 *oz.*

8 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Carry into effect a Convention between Her Majesty and the King of Denmark.

WHEREAS a Treaty was concluded on the Fourteenth Day of March One thousand eight hundred and fifty-seven, between Her Majesty and other High Contracting Parties of the one Part, and the King of Denmark of the other Part, (and has been duly ratified,) containing Arrangements for the Abolition of Tolls levied on Vessels and their Cargoes passing the Sound and the Belts, and for the Reduction of the Duties on Goods passing in Transit by the various Lines of Communication which connect the North Sea and the Elbe with the Baltic, and for the Payment by the other Contracting Parties to the King of Denmark, in compensation for the Sacrifices which the Treaty imposed on him, of the total Sum of Thirty-five million Rigs Dollars, of which the Proportion falling to the Charge of Great Britain was Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars: And whereas a Convention was also concluded on the said Fourteenth Day of March One thousand eight hundred and fifty-seven between Her Majesty and the King of Denmark (and has been duly ratified), by which Her Majesty engaged to recommend to Her Parliament to enable Her to pay

Preamble.

pay to the King of Denmark the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars; and by Article II. of the said Convention it is provided, that the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars "shall be converted into Sterling "Money at the Rate of Nine Rigs Dollars to the Pound Sterling, "and thus amounts to the Sum of One million one hundred and "twenty-five thousand two hundred and six Pounds Sterling: This "Sum shall be paid at London to such Person as may be authorized "by His Majesty the King of Denmark to receive the same, within "Three Months after the requisite Act shall have been passed by "the Parliament of Her Britannic Majesty:" And whereas, in pursuance of Her Majesty's gracious Recommendation in this Behalf, it is expedient that Her Majesty should be enabled to carry into effect the said Convention with the King of Denmark: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury to direct Payment of 1,125,206*l.*, in accordance with Convention.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland the Sum of *One million one hundred and twenty-five thousand two hundred and six Pounds*, at the Time and in manner provided by the said Convention for such Payment, and conformably to Her Majesty's Engagement in this Behalf.

Sound Dues.

A

BILL

To carry into effect a Convention between Her Majesty and the King of Denmark.

(Prepared and brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1857.

[Bill 51.]

Under 1 *oz.*

595

Summary Proceedings before Justices of the Peace Bill.

ARRANGEMENT OF CLAUSES.

Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court; Sect. 1.

Security and Notice to be given by the Appellant; 2.

Justices may refuse a Case where they think the Application frivolous; 3.

Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated; 4.

Superior Court to determine the Questions on the Case: Its Decisions to be final; 5.

Case may be sent back for Amendment; 6.

The Powers of the Superior Court may be exercised by a Judge at Chambers; 7.

After the Decision of Superior Court Justices may issue Warrants; 8.

Certiorari not to be required for Proceedings under this Act; 9.

Superior Courts may make Rules for Proceedings; 10.

"Justices" to include a Stipendiary Magistrate; 11.

Recognizances how to be enforced; 12.

Appellants under this Act to be deemed to have abandoned Right of of Appeal to Quarter Sessions; 13.

A

BILL

TO

Improve the Administration of the Law in England so far as respects summary Proceedings before Justices of the Peace.

WHEREAS it is expedient that Provision should be made for obtaining the Opinion of a Superior Court on Questions of Law which arise in the Exercise of Summary Jurisdiction by Justices of the Peace: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. After the Hearing and Determination by a Justice or Justices of the Peace of any Information or Complaint which he or they have Power to determine in a summary Way, by any Law now in force or hereafter to be made, either Party to the Proceeding before the said Justice or Justices may, if dissatisfied with the said Determination as being erroneous in point of Law, apply in Writing within *Three* Days after the same to the said Justice or Justices, to state and sign a Case setting forth the Facts and the Grounds of such Determination, for the Opinion thereon of One of the Superior Courts of Law at Westminster, to be named by the Party applying; and such Party, Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court.

Party, herein-after called the Appellant, shall, within *Three* Days after receiving such Case, transmit the same to the Court named in his Application, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceeding in which the Determination was given. 5

Security and Notice to be given by the Appellant.

II. The Appellant, at the Time of making such Application, and before a Case shall be stated and delivered to him by the Justice or Justices, shall in every Instance enter into a Recognizance, with or without Surety or Sureties, and in such Sum as to the Justice or Justices shall seem meet, conditioned to prosecute without Delay 10 such Appeal, and to submit to the Judgment of the Superior Court, and pay such Costs as may be awarded by the same; and the Appellant, if then in Custody, shall be liberated upon the Recognizance being further conditioned for his Appearance before the same Justice or Justices, or, if that is impracticable, before some other 15 Justice or Justices exercising the same Jurisdiction who shall be then sitting, within *Two* Days after the Judgment of the Superior Court shall have been given, to abide such Judgment, unless the Determination appealed against be reversed.

Justices may refuse a Case where they think the Application frivolous.

III. If the Justice or Justices be of opinion that the Application 20 is merely frivolous, but not otherwise, he or they may refuse to state a Case, and shall, on the Request of the Appellant, sign and deliver to him a Certificate of such Refusal; provided, that the Justice or Justices shall not refuse to state a Case where Application for that Purpose is made to them by or under the Direction of Her 25 Majesty's Attorney General.

Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated.

IV. Where the Justice or Justices shall refuse to state a Case as aforesaid, it shall be lawful for the Appellant to apply to the Court of Queen's Bench upon an Affidavit of the Facts for a Rule calling upon such Justice or Justices, and also upon the other Party to the Proceed- 30 ing before the Justice or Justices, to show Cause why such Case should not be stated; and if after due Service of the Rule good Cause be not shown against it, the said Court may make the same absolute, with or without Payment of Costs, as to the Court shall seem meet, and the Justice or Justices, upon being served with such Rule Ab- 35 solute, shall state a Case accordingly, upon the Appellant entering into such Recognizance as is herein-before provided.

Superior Court to determine the Questions on the Case: Its

V. The Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Determination in 40 respect of which the Case has been stated, or remit the Matter to the

the Justice or Justices with the Opinion of the Court thereon, or may make such other Order in relation to the Matter, and may make such Orders as to Costs, as to the Court may seem fit, and all such Orders shall be final and conclusive on all Parties.

Decisions to be final.

5 VI. The Court for the Opinion of which a Case is stated shall have Power, if they think fit, to cause the Case to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

Case may be sent back for Amendment.

VII. The Authority and Jurisdiction hereby vested in a Superior 10 Court for the Opinion of which a Case is stated under this Act shall and may (subject to any Rules and Orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time.

The Powers of the Superior Court may be exercised by a Judge at Chambers.

VIII. After the Decision of the Superior Court in relation to any 15 Case stated for their Opinion under this Act, the Justice or Justices in relation to whose Determination the Case has been stated, or any other Justice or Justices of the Peace of the same County, Riding, Division, Liberty, City, Borough, or Place, shall have the same Authority to enforce any Conviction or Order, which may have been affirmed, 20 amended, or made by such Superior Court, as the Justice or Justices who originally decided the Case would have had, if his or their Determination had not been appealed against; and no Action or Proceeding whatsoever shall be commenced or had against the Justice or Justices for enforcing such Conviction or Order, by reason of any Defect in 25 the same respectively.

After the Decision of Superior Court, Justices may issue Warrants.

IX. No Writ of Certiorari or other Writ shall be required for the Removal of any Conviction, Order, or other Determination in relation to which a Case is stated under this Act, or otherwise, for obtaining the Judgment or Determination of the Superior Court on such Case 30 under this Act.

Certiorari not to be required for Proceedings under this Act.

X. That the said Courts of Law at Westminster may from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

Superior Courts may make Rules for Proceedings.

35 XI. The Words "Justice or Justices" in this Act shall include a Magistrate of the Police Courts of the Metropolis and any Stipendiary Magistrate.

"Justices" to include a Stipendiary Magistrate.

Recognizances how to be enforced.

XII. In all Cases where the Conditions, or any of them, in the said Recognizance mentioned, shall not have been complied with, the Justice or Justices who shall have taken the same, or any other Justice or Justices, shall certify upon the Back of the Recognizance in what respect the Conditions thereof have not been observed, and transmit the same to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances forfeited at Quarter Sessions may now by Law be enforced, and such Certificate shall be deemed sufficient primâ facie Evidence of the said Recognizance having been forfeited: Provided, that where any such Recognizances shall have been taken before a Magistrate of the Police Courts of the Metropolis, or by any Stipendiary Magistrate, all Sums of Money in which any Person or Persons shall be therein bound may, if the said Magistrate shall think fit, be levied, upon such Recognizance being forfeited, and on Non-payment thereof, together with the Costs of the Proceedings to enforce such Payment, in the same Manner as a Police Magistrate of the Metropolis is now empowered to recover any Penalty, Forfeiture, or Sum of Money, by Section Forty-five of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis," and that all and every the Provisions and Enactments contained in the said Section Forty-five shall extend to and be applicable to this Act, in as ample a Manner as if they had been herein re-enacted and made Part of the same.

2 & 3 Vict. c. 71. s. 45.

Appellants under this Act to be deemed to have abandoned Right of Appeal to Quarter Sessions.

XIII. Any Person who shall appeal under the Provisions of this Act against any Determination of a Justice or Justices of the Peace from which he is by Law entitled to appeal to the Quarter Sessions shall be taken to have abandoned such last-mentioned Right of Appeal, finally and conclusively, and to all Intents and Purposes.

Summary Proceedings before Justices of the Peace.

A

BILL

To improve the Administration of the Law in England so far as respects summary Proceedings before Justices of the Peace.

(*Prepared and brought in by Mr. Massey, Sir George Grey, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 81.]

Under 1 *oz.*

Summary Proceedings before Justices of the Peace Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Interpretation Clause; Sect. 1.

Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court; Sect. 2.

Security and Notice to be given by the Appellant; 3.

Justices may refuse a Case where they think the Application frivolous; 4.

Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated; 5.

Superior Court to determine the Questions on the Case: Its Decisions to be final; 6.

Case may be sent back for Amendment; 7.

The Powers of the Superior Court may be exercised by a Judge at Chambers; 8.

After the Decision of Superior Court, Justices may issue Warrants; 9.

Certiorari not to be required for Proceedings under this Act; 10.

Superior Courts may make Rules for Proceedings; 11.

"Justices" to include a Stipendiary Magistrate; 12.

Recognizances how to be enforced; 13.

Appellants under this Act to be deemed to have abandoned Right of Appeal to Quarter Sessions; 14.

Act not to extend to Scotland; 15.

SCHEDULE.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace.

WHEREAS it is expedient that Provision should be made for obtaining the Opinion of a Superior Court on Questions of Law which arise in the Exercise of Summary Jurisdiction by Justices of the Peace: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Clause A. Interpretation Clause.

I. In the Interpretation and for the Purposes of this Act, the following Words shall have the Meaning herein-after assigned to them; that is to say,

"Superior Courts of Law" shall for England mean the Supreme Courts of Law at Westminster, and for Ireland the Supreme Courts at Law at Dublin:

"Court of Queen's Bench" shall mean for England the Court of Queen's Bench at Westminster, and for Ireland the Court of Queen's Bench at Dublin.

Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court.

II. After the Hearing and Determination by a Justice or Justices of the Peace of any Information or Complaint which he or they have Power to determine in a summary Way, by any Law now in force or hereafter to be made, either Party to the Proceeding before the said Justice or Justices may, if dissatisfied with the said Determination as being erroneous in point of Law, apply in Writing within Three Days after the same to the said Justice or Justices, to state and sign a Case setting forth the Facts and the Grounds of such Determination, for the Opinion thereon of One of the Superior Courts of Law to be named by the Party applying; and such Party, herein-after called "the Appellant," shall, within Three Days after receiving such Case, transmit the same to the Court named in his Application, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceeding in which the Determination was given herein-after called the Respondent.

Security and Notice to be given by the Appellant.

III. The Appellant, at the Time of making such Application, and before a Case shall be stated and delivered to him by the Justice or Justices, shall in every Instance enter into a Recognizance, before such Justice or Justices, or any One or more of them, or any other Justice exercising the same Jurisdiction, with or without Surety or Sureties, and in such Sum as to the Justice or Justices shall seem meet, conditioned to prosecute without Delay such Appeal, and to submit to the Judgment of the Superior Court, and pay such Costs as may be awarded by the same; and the Appellant shall at the same Time, and before he shall be entitled to have the Case delivered to him, pay to the Clerk to the said Justice or Justices his Fees for and in respect of the Case and Recognizances, and any other Fees to which such Clerk shall be entitled, which Fees, except such as are already provided for by Law, shall be according to the Schedule to this Act annexed marked (A), until the same shall be ascertained, appointed, and regulated in the Manner prescribed by the Statute Eleventh and Twelfth Victoria, Chapter Forty-three, Section Thirty; and the Appellant, if then in Custody, shall be liberated upon the Recognizance being further conditioned for his Appearance before the same Justice or Justices, or, if that is impracticable, before some other Justice or Justices exercising the same Jurisdiction who shall be then sitting, within Ten Days after the Judgment of the Superior Court shall have been given, to abide such Judgment, unless the Determination appealed against be reversed.

Justices may refuse a Case where they think

IV. If the Justice or Justices be of opinion that the Application is merely frivolous, but not otherwise, he or they may refuse to state a Case, and shall, on the Request of the Appellant, sign and deliver

deliver to him a Certificate of such Refusal; provided, that the Justice or Justices shall not refuse to state a Case where Application for that Purpose is made to them by or under the Direction of Her Majesty's Attorney General for England or Ireland, as the Case may be.

the Application frivolous.

V. Where the Justice or Justices shall refuse to state a Case as aforesaid, it shall be lawful for the Appellant to apply to the Court of Queen's Bench upon an Affidavit of the Facts for a Rule calling upon such Justice or Justices, and also upon the Respondent, to show Cause why such Case should not be stated; and the said Court may make the same absolute or discharge it, with or without Payment of Costs, as to the Court shall seem meet, and the Justice or Justices, upon being served with such Rule Absolute, shall state a Case accordingly, upon the Appellant entering into such Recognizance as is herein-before provided.

Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated.

VI. The Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Determination in respect of which the Case has been stated, or remit the Matter to the Justice or Justices, with the Opinion of the Court thereon, or may make such other Order in relation to the Matter, and may make such Orders as to Costs, as to the Court may seem fit, and all such Orders shall be final and conclusive on all Parties: Provided always, that no Justice or Justices of the Peace who shall state and deliver a Case in pursuance of this Act shall be liable to any Costs in respect or by reason of such Appeal against his or their Determination.

Superior Court to determine the Questions on the Case: Its Decisions to be final.

VII. The Court for the Opinion of which a Case is stated shall have Power, if they think fit, to cause the Case to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

Case may be sent back for Amendment.

VIII. The Authority and Jurisdiction hereby vested in a Superior Court for the Opinion of which a Case is stated under this Act shall and may (subject to any Rules and Orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time.

The Powers of the Superior Court may be exercised by a Judge at Chambers.

IX. After the Decision of the Superior Court in relation to any Case stated for their Opinion under this Act, the Justice or Justices in relation to whose Determination the Case has been stated, or any other Justice or Justices of the Peace exercising the same Jurisdiction,

After the Decision of Superior Court, Justices may issue Warrants.

diction, shall have the same Authority to enforce any Conviction or Order, which may have been affirmed, amended, or made by such Superior Court, as the Justice or Justices who originally decided the Case would have had to enforce his or their Determination if the same had not been appealed against; and no Action or Proceeding whatsoever shall be commenced or had against the Justice or Justices for enforcing such Conviction or Order, by reason of any Defect in the same respectively.

Certiorari not to be required for Proceedings under this Act.

X. No Writ of Certiorari or other Writ shall be required for the Removal of any Conviction, Order, or other Determination in relation to which a Case is stated under this Act, or otherwise, for obtaining the Judgment or Determination of the Superior Court on such Case under this Act.

Superior Courts may make Rules for Proceedings.

XI. The Superior Courts of Law may from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

"Justices" to include a Stipendiary Magistrate.

XII. The Words "Justice or Justices" in this Act shall include a Magistrate of the Police Courts of the Metropolis and any Stipendiary Magistrate.

Recognizances how to be enforced.

XIII. In all Cases where the Conditions, or any of them, in the said Recognizance mentioned, shall not have been complied with, the Justice or Justices who shall have taken the same, or any other Justice or Justices, shall certify upon the Back of the Recognizance in what respect the Conditions thereof have not been observed, and transmit the same to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances forfeited at Quarter Sessions may now by Law be enforced, and such Certificate shall be deemed sufficient primâ facie Evidence of the said Recognizance having been forfeited: Provided, that where any such Recognizances shall have been taken in England before a Magistrate of the Police Courts of the Metropolis, or by any Stipendiary Magistrate, all Sums of Money in which any Person or Persons shall be therein bound may, if the said Magistrate shall think fit, be levied, upon such Recognizance being forfeited, and on Nonpayment thereof, together with the Costs of the Proceedings to enforce such Payment, in the same Manner as a Police Magistrate of the Metropolis is now empowered to recover any Penalty, Forfeiture, or Sum of Money, by Section Forty-five of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled

intituled "An Act for regulating the Police Courts in the Metro-"polis," and that all and every the Provisions and Enactments contained in the said Section Forty-five shall extend to and be applicable to this Act, in as ample a Manner as if they had been herein re-
5 enacted and made Part of the same.

2 & 3 Vict. c. 71. s. 45.

XIV. Any Person who shall appeal under the Provisions of this Act against any Determination of a Justice or Justices of the Peace from which he is by Law entitled to appeal to the Quarter Sessions shall be taken to have abandoned such last-mentioned Right of
10 Appeal, finally and conclusively, and to all Intents and Purposes.

Appellants under this Act to be deemed to have abandoned Right of Appeal to Quarter Sessions.

XV. This Act shall not extend to Scotland.

CLAUSE B. Act not to extend to Scotland.

SCHEDULE (A.)

FEES to be taken by CLERKS to JUSTICES.

	s.	d.
For drawing Case and Copy, where the Case does not exceed Five Folios of Ninety Words each - -	10	0
Where the Case exceeds Five Folios, then for every additional Folio - - - - - -	1	0
For the Recognizance to be taken in pursuance of the Act -	5	0
For every Enlargement or Renewal thereof - - -	2	6
For Certificate of Refusal of Case - - -	2	0

Summary Proceedings before Justices of the Peace.

A

BILL

[AS AMENDED IN COMMITTEE]

To improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace.

(Prepared and brought in by Mr. Massey, Sir George Grey, and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed,* 4 *August* 1857.

[Bill 174.]

Under 1 *oz.*

30 *June* 1857. 20 & 21 Vict.

A

BILL

TO

Repeal the Twenty-seventh Section of the Superannuation Act, 1834.

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled "An Act to alter, amend, and consolidate the Laws for regu-"lating the Pensions, Compensations, and Allowances to be made to "Persons in respect of their having held Civil Offices in His Majesty's "Service:" And whereas it is inexpedient to enforce the Provisions of the said Act so far as relates to the Abatement to be made under the Twenty-seventh Section of the said recited Act from the Salaries of those Civil Servants of the Crown who have taken Office since the Fourth Day of August One thousand eight hundred and twenty-nine: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The said Twenty-seventh Section of the said recited Act shall be and the same is hereby repealed from and after the *Thirtieth Day of June One thousand eight hundred and fifty-seven.* 27th Section of 4 & 5 W. 4. c. 24. repealed.

Superannuation Act Amendment.

A

BILL

To repeal the Twenty-seventh Section of the Superannuation Act, 1834.

(Prepared and brought in by Lord Naas and Mr. Hankey.)

Ordered, by The House of Commons, *to be Printed,* 30 *June* 1857.

[Bill 99.]

Under 1 *oz.*

615

Tenant Right (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites the present State of the Law with regard to Improvements made by Tenant Farmers in Ireland.

Tenants having made Improvements which increase the Value of the Premises not to be evicted without being paid for the same a Compensation equivalent to the increased Value created; Sect. 1.

Definition of Terms, "Tenant," "Landlord," "Improvement," "Award," "Arbitrators," &c.; Limitation to Agricultural Tenements, and to Improvements which increase the Value or annual Rent of the Premises; 2.

Regulations for referring disputed Cases to Arbitration; 3.

If an Award be not made, any Claim not exceeding 100*l.* to be referred to the Assistant Barrister at the Quarter Sessions; a Jury may be impannelled, if required by either Parties; 4.

If the Claim exceeds 100*l.*, to be referred in like Manner to the Judge of Assize; 5.

Rules for Awards; 6.

Tenant who has made Claim for Compensation not to be evicted till his Claim has been decided, and the Amount of such Decision paid; 7.

If Tenant be refused Liberty to sell his Interests, he may offer to surrender, and claim Compensation as in other Cases; 8.

If Tenant's Claim for Compensation shall be refused, he may pull down and remove the same, leaving the Premises in the same Condition as before; 9.

(Ireland.)

A

BILL

TO

Provide Compensation to Tenant Farmers in Ireland for Improvements made by them upon Lands in their Occupation, and to limit the Power of Eviction in certain Cases.

Preamble. Recites the System of letting Lands in Ireland, the Tenant making all Improvements.

WHEREAS it has long been the Practice in Ireland, that Lands are let to the Tenants occupying the same on determinable Tenures, or at Will, or from Year to Year, without written Agreement, and without any suitable Buildings or other necessary Appendages for residing on and cultivating such Lands, or any sufficient Allowance given or engaged to be given in consideration thereof, or in consideration of any Expenditure necessary or proper to be incurred for draining or otherwise permanently improving the Soil: And whereas the occupying Tenants under such Circumstances have just Cause of Complaint from their Liability to Dispossessment without any Security for the Value of their beneficial Interest created by their Capital and Labour expended on the Premises: And whereas there is no Security for Capital expended by the Tenant, and divers Evils have arisen therefrom, and it is necessary that speedy Remedies be devised for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and

 with

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Buildings and Improvements producing increased Value made at the Cost of the Tenant declared to be the Tenant's Property.

No Tenant, having made Improvements as aforesaid, to be evicted without being paid for the Value of Improvements, &c.

Proviso: Landlord not liable to pay Compensation if he continues the Tenant at the Rent agreed on or awarded under the Propisions of this Act.

Proviso: Claimant must prove increased Value created.

I. For the Purposes of this Act, all Improvements of the Soil, and all Buildings, and all Works of every Description, by means of which the annual letting Value or Fee Simple Interest of the Premises shall be or shall have been increased, and which shall be or shall have been made at the Cost or by the Labour of the Tenant, or purchased or inherited by him from his Predecessor, shall be taken to be the Property of such Tenant, subject to the Rules herein-after provided; and that from and after *the passing of this Act* no Person in occupation of Lands or Premises, being Tenant thereon as in this Act herein-after defined and qualified, and having made Improvements thereon of the Nature aforesaid, and paying a Rent such as shall be agreed upon between the Parties, or settled as in this Act provided, shall be evicted therefrom unless he shall have first received from his Landlord or from the in-coming Tenant, by Sale or Agreement, the marketable Value of his Interest, fair Compensation for the Value of all Labour and Capital expended in Improvements of the Nature herein-before stated, and which are by this Act declared to be the Property of the Tenant, and for his Interest in the Premises, and for any Loss or Injury he may sustain by Dispossessment therefrom, to such Amount as shall be determined by any Award made according to the Rules in this Act directed to be observed for ascertaining the same: Provided always, that no Landlord shall be liable or required to make any Payment on the Grounds of Improvements if such Landlord shall continue the Tenant (or any solvent Person to whom such Tenant may desire to sell or assign his Interest) in the Occupation of the said Premises at such annual Rent as shall be agreed upon between the Parties, or shall be settled by any Award as aforesaid; and provided also, that no Tenant shall be entitled to make claim of Compensation for his Improvements unless increased Value has been created by his Labour or Capital.

Definition of Terms: "Tenant:"

II. In the Construction of this Act, the Word "Tenant" shall be understood to mean a Person or Party in the actual Occupation of Land let for the Purposes of Agriculture, and all Buildings thereon or held therewith, with their Appurtenances, but which shall not have been let for Conacre, or for the Purpose of cropping or depasturing for One or Two Seasons only, or for any special or temporary Purpose, but shall have been held by such Person or Party as Tenant at Will, or from Year to Year, for the Space of Years, or for a Term of Years absolute, or determinable on the dropping of a Life or Lives, or for a Life or Lives with or without a Term of Years, and shall

shall not be let for building, or let by the Foot or other lineal Measurement calculated on the Extent of Frontage to any Road or Street, or let by Measurement, or under any Provisions denoting that such Letting was intended for the sole Purposes of building, and shall include the Personal Representatives of a Tenant within this Act; and the Word "Landlord" shall be understood to mean the Person or Party entitled to the immediate Possession of the Lands or Premises on the Determination of the Interest of the Tenant, and the legal Representatives of such Person or Party for the Time being, and shall include Bodies Corporate, Companies, and Partnerships, Owner; and the Word "Improvement" shall be taken to mean all Buildings erected, and all Works done, which would permanently increase the Value or annual Rent of the Premises; and the Word "Award" shall be taken to mean any Decision by Arbitrators, or any Judgment, Decree, or Verdict given under the Provisions of this Act; and the Word "Arbitrators" shall comprehend Arbitrators, Assistant Barrister, Judge of Assize or Jury, as the Case may be; and the Word "serve" shall be construed to mean either personal Service, or Services on the Attorney, Agent, Bailiff, Steward, or Receiver of the Person or Party to be served, or Service by Delivery at the Place of Abode of such Person or Party, or Service by Transmission through the Post, directed to the last known Address of the Person or Party to be served, within such Time as to admit of its Delivery within the Period prescribed (if any) for the Delivery of the Notice, and in proving any Notice by the Post it shall be sufficient to prove that the Notice was properly directed, and so put into the Office as before required; and the Words "solvent Tenant" shall be taken to mean a Tenant having the Capability to apply the Amount of Labour and Capital reasonably to be required for the proper Cultivation and Improvement of the Holding in his Occupation, according to the Extent of such Holding, and to pay the fair Rent to the Landlord for the same.

"Landlord:"

"Improvement:"

"Award:"

"Arbitration:"

"serve:"

"solvent Tenant."

III. If any Tenant, qualified as herein required, who shall desire to claim the Benefit of this Act, shall be served with a Notice to quit, or with a Declaration in Ejectment, or a Demand of an increased Rent, such Tenant shall, within *Ten* Days after each respectively, serve on such Landlord a Notice of Claim, which Notice shall be in Writing, and shall state the Amount demanded by such Tenant, and shall also contain a Proposal stating the Rent at which such Tenant would be willing to continue as Tenant on the Premises, also an Offer on the Part of the Tenant to refer the Matter of his Claim to Arbitration, and such Notice shall contain the Name of an Arbitrator to act in the Matter of such Arbitration; and in case the Claim of the Tenant shall not be adjusted by Agreement between the Parties, such Land-

Tenant being served with Notice to quit, or Notice of Ejectment, or Notice of increased Rent, shall serve on his Landlord a Notice of his Claim, and shall offer an Arbitration, and name an Arbitrator.

lord shall, within *Ten* Days after the Delivery of such Notice, serve upon such Tenant a Notice containing the Name of an Arbitrator to act in the Matter of such Arbitration; and it shall be lawful for the said Two Arbitrators so appointed by the Landlord and the Tenant to appoint a Third Arbitrator, and the said Matter in dispute shall be referred to the Three Arbitrators appointed as aforesaid; and the aforesaid Arbitrators, or any Two of them, shall and are hereby authorized and empowered, by such Means as they shall think proper, to settle the Amount of Compensation, and all such other Matters as shall be referred to them on the Part of the Landlord or the Tenant under the Provisions of this Act, and to make their Award thereon in Writing, under their Hands and Seals, or under the Hands and Seals of any Two of them; and such Arbitrators shall, within *Three* Days after making such Award, forward to each of the Parties a Copy thereof; and the Expenses of such Arbitration shall be paid by such Party or Parties or in such Proportions as the said Arbitrators shall direct; and in case an Award shall be given in favour of the Tenant, it shall not be lawful for the Landlord to require a Surrender of the Premises, or to evict the Tenant therefrom, till the Amount so awarded shall be paid or offered to be paid to the Tenant, or Settlement be otherwise made according to the Provisions of this Act.

Shall make their Award in Writing, and forward Copies to each of the Parties.

IV. And in case an Arbitrator shall not be appointed by the Landlord, or in case the Two Arbitrators, if appointed, shall not agree in their Award, or shall not agree about the Appointment of an Umpire, or if from any other Cause an Award shall not be made, and that the Tenant's Claims shall not be acceded to or adjusted by Agreement between the Parties, within *One Month* from the Time when the Notice of Claim and Arbitration had been served on the Landlord by the Tenant, it shall then be lawful for the Tenant, if the Amount of the Claim shall not exceed *One hundred Pounds*, to refer the Decision of such Claim to the Assistant Barrister at the Quarter Sessions which shall be heard next after the Occurrence of any Event as aforesaid for the Division of the County wherein such Land or Premises shall be wholly or in greater Part situate, provided the same shall not be held sooner than *Thirty-one* Days, and if there shall not be *Thirty-one* Days between the Occurrence of such Event as aforesaid and the Day appointed for holding such Sessions, then such Reference may be heard at the Second Quarter Sessions which shall be holden for each Division of such County after such Event as aforesaid; and the Assistant Barrister, at such First or Second Quarter Sessions, or any Adjournment thereof, upon due Proof that Notice of such Reference has been served on such Landlord at least *Twenty-one* Days before the Day appointed for holding such Sessions, is hereby empowered and required to hear and finally determine the Matter of such

If an Arbitration be not agreed to, or if no Award, Tenant may refer his Claim to Barrister at Quarter Sessions with respect to Claims not exceeding 100*l.*

such Claim: Provided always, that it shall be lawful for either of the Parties concerned to require that the same be referred by the Assistant Barrister to a Jury, and in case he shall be so required, he shall cause a Jury of Twelve Men to be impannelled; and the said Jury shall be constituted from the first Twelve Men, not set aside by Challenge, who shall answer on their Names being called from the List of Jurors summoned to be in attendance at such Court of Quarter Sessions; and all Parties concerned shall have their lawful Challenges against any of the Jurors; and the Decree of the said Barrister, or the Award of the Jury, as the Case may be, shall be final in the Matter of such Claim; and the Costs shall be paid by such Party or Parties or in such Proportions as the Assistant Barrister, or the Jury, in case of Reference to a Jury, shall direct; and all Awards, Judgments, Decrees, or Verdicts made or given with respect to any Claim aforesaid shall be transmitted to and kept by the Clerk of the Peace among the Records of the County wherein the Decree has been made.

Proviso: Either Party may require a Reference to a Jury.

All Awards and Judgments to be registered with the Clerk of the Peace.

V. And if the Amount of the Claim made by the Tenant shall exceed *One hundred Pounds*, the Reference, as herein-before provided to be made to the Assistant Barrister in Cases where Awards by Arbitrators shall not be obtained, shall, instead thereof, be made to the Judge presiding in the Record Court at the next Assizes (or some subsequent Assizes, as the Case may be,) for the County in which the Premises, or the greater Part thereof, shall be situate, subject to all the same Rules and Provisions with regard to such Reference as those herein-before made for regulating the Reference to the Assistant Barrister respecting Sums of a smaller Amount; and the said Judge shall decide on all the Matters so referred to him; provided always, that, if required by either of the Parties, he shall refer the Decision of such Claim to a Jury, which Jury shall be constituted in like Manner and Form as usually practised with regard to Trials in the said Record Court; and the Decision so made shall be final and conclusive in the Matter, and the Costs shall be paid by such Party or Parties or in such Proportions as the Judge (or the Jury, in case of Reference to a Jury,) shall direct.

In case of Claims exceeding 100*l.* Reference to be made to the Judge of Assize instead of the Assistant Barrister, subject to the same Rules for Reference to a Jury as before provided.

VI. And the Arbitrators shall determine the Amount to be awarded on the Claim of the Tenant, according to the Evidence which shall be brought before them; and they shall inquire into all Works of Improvement for which Value shall be claimed by the Tenant, whether in the Form of Buildings or Works, to increase the productive Power of the Soil, and to what Extent the said Buildings or Works had increased the Value of the Premises; and they shall allow to the Tenant the Value of all such Buildings or Works, on a reasonable Compu-

Rules for Awards.

In other Cases an equitable Valuation to be made, and Compensation awarded according to the increased

Value created.

Computation of the Amount expended in their Execution, and of the increased Value thereby created, as measured by the higher Rent which the Premises might be expected to yield, with the Tenant's Improvements, than if such Improvements had not been made; and they may, if they shall so think fit, adopt any Valuation of the Premises now made, or which shall hereafter be made, by public Authority, making such Corrections thereof as they shall deem right; and if it shall be proved to the Arbitrators that the Value of the Premises had been deteriorated by Neglect or Mismanagement, or bad Cultivation, or any Proceeding on the Part of the Tenant injurious to the Interests of the Landlord, they shall make such Reduction for the same as they think just, and they shall also deduct from the Amount of their Award (if such shall be given in favour of the Tenant) all Rent due to the Landlord; and if there be any Expenditure on the Part of the Landlord towards the Improvement of the Premises, or Allowance made by means of any Settlement, Reduction, or Remission of Rent, in consideration of Improvements executed or to be executed by the Tenant, they shall make fair Abatement accordingly from the Amount of their Award; and if the Landlord shall require the absolute Surrender of the Premises, and such Landlord shall not prove that there was a Want of reasonable Application of Skill and Labour by the Tenant, so as to produce from that Cause an Injury to his Interests by the Continuance of the Tenant in the Occupation, then in such Case it shall be lawful for the Arbitrators and they are hereby required, in estimating the Amount of their Award, to take into consideration any consequential Loss or Injury the Tenant would sustain by Dispossessment from the Premises, and to make such Addition to the Amount of their Award in consideration thereof as they shall deem reasonable and just, and they shall in all Cases make their Decisions according to what they shall to the best of their Judgment deem to be just and equitable between the Parties: Provided always, that if it shall appear in any Case that the Landlord had, at his own Cost, erected the Housing, or the substantial Part thereof, reasonably necessary for the Uses of the Farm, and had kept the same in repair, and made the permanent Improvements reasonably necessary for the good Culture of the Soil, or else allowed the Tenant the Cost of all such Buildings and Works of Improvements, in such Case any Claim of Compensation under the Custom of Tenant Right shall not be awarded, but the Tenant shall be allowed fair Compensation for all useful Improvements made at his Cost on the Premises, and for all unexhausted Applications to the Soil necessary under a System of good and clean Husbandry.

May adopt the Value as ascertained by any public Valuation, corrected as may be deemed fitting; and shall make Allowance from all Awards of Compensation, if necessary, for Waste or Deterioration produced by Neglect or Fault of the Tenant.

Additional Allowance to be made to the Tenant in certain Cases.

If Landlord supplies necessary Buildings and executes necessary Improvements, in such Cases Claims under the Custom of TenantRight not admissible; but Tenant may be allowed Compensation for any useful Improvements made by himself.

VII. And

VII. And if any Landlord against whom such Claim of Compensation shall be made as aforesaid shall proceed by any Process of Law against the Tenant making such Claim, for the Purpose of recovering the Possession of the Premises in respect whereof such Claim shall have been made, it shall be lawful for such Tenant to prove by Evidence at the Trial of such Ejectment that such Claim has been made on his Part in conformity with the Provisions of this Act, and either that Compensation has been awarded to him, which Compensation has not been paid or tendered to be paid by said Landlord, or that Proceedings were still pending for determining the Amount of Compensation due to the Claimant, and that no unnecessary Delay had taken place on the Part of such Claimant for the Purpose of having his Claim determined; and on Proof thereof, unless the Amount of the Award (if an Award has been made) be forthwith paid to the Tenant, or lodged in Court, or the Claim of the Tenant be otherwise settled for, or sufficient Security be given to the Court, before Possession be given to the Landlord, for the due Payment of any Sum which shall be awarded or decreed to be the Amount of the Tenant's Claim, such Tenant shall be entitled to a Judgment or Decree in his Favour in the Matter of such Ejectment.

If Landlord proceed against Tenant to eject him, Tenant may plead in Court that his Claim has not been adjudged or settled for, and that Proceedings were pending for that Purpose, or that Award had been made and his Claim was not paid. The Court shall give Judgment in favour of the Tenant in such Cases, unless the Amount of the Award be paid forthwith to the Tenant, or lodged in Court, or sufficient Security given that the Amount of any Decree or Award shall be paid.

VIII. And in case any Tenant, as defined and qualified under this Act, or holding under any Award as in this Act before provided, shall desire to sell his Interest in the Premises, and shall offer a Person as Purchaser who shall not be liable to reasonable Objection on the Part of the Landlord with reference to his not being a "solvent Tenant," as herein-before defined, and such Landlord shall refuse Permission to the Tenant to make such Sale, then in such Case it shall be lawful for such Tenant (if he so thinks fit) to serve Notice of Surrender in like Manner and under like Regulations (save and except the Offer of Rent at which the Tenant would continue to hold the Premises) as herein-before directed; and such Tenant shall be entitled to receive the Compensation, as in this Act before enacted: Provided always, that no Landlord shall be required to agree to any Offer of Sale or Purchase which would cause any Subdivision of the Premises contained in the Occupancy, and let by such Landlord to a single Tenant; and provided also, that it shall be lawful for any Landlord to take Defence against any Claim made as above on the Grounds that the Person offered as Purchaser could not be considered as being a "solvent Tenant;" and in case the Landlord shall give Evidence thereof to the Satisfaction of the Arbitrators or other adjudicating Tribunal, the Claim of the Tenant shall not be allowed.

Tenant, if refused Liberty to sell to a solvent Tenant, may give Notice of Surrender, and claim Compensation.

Proviso: Landlord not to be required to sanction an Offer of Purchase for a separate Part of any Occupancy let to a single Tenant.

Proviso: The Landlord may plead that the Person proposed as Purchaser would not be a solvent Tenant.

Tenants may pull down, sell, and carry away the Materials of Buildings erected by himself, if not paid for or Allowance made by the Landlord or by the Award of the Arbitrators.

IX. If any Tenant shall have erected Buildings on the Premises in his Occupation, and if such Tenant shall have made claim, and Compensation shall be refused by the Landlord, or by the Award of any Arbitrators, or by the Decision of any Court or Jury, on the Grounds of the Buildings not being suitable to the Premises, it shall be lawful for the Tenant to pull down and sell or carry away the Materials of such Buildings, and such Tenant shall not be liable to any Penalties or Action for Waste or Dilapidation for his so doing, provided he leaves the Premises in the same Condition as before the Erection of such Buildings.

Act for Ireland.

X. This Act shall extend only to Ireland.

Tenant Right (Ireland).

A

BILL

To provide Compensation to Tenant Farmers in Ireland for Improvements made by them upon Lands in their Occupation; and to limit the Power of Eviction in certain Cases.

(*Prepared and brought in by Mr. Moore and Mr. Maguire.*)

Ordered, by The House of Commons, *to be Printed,* 28 *May* 1857.

[Bill 34.] *Under 2 oz.*

27 *July* 1857. 20 & 21 Vict.

A

BILL

INTITULED

An Act to enable One of Her Majesty's Secretaries of State to revise Byelaws in certain Cases therein provided.

WHEREAS many Towns in England are governed under the Provisions of Local Acts of Parliament, by which Acts the governing Bodies of such Towns have Powers to make Byelaws to remedy Inconveniences and Irregularities which could not otherwise be promptly and sufficiently regulated or controlled by the Statute or the Common Law, and in some of such Towns such Byelaws, before they are valid, require the Sanction of One of the Judges of the Superior Courts in Circuit, and in other of such Towns such Byelaws, before they are valid, require the Sanction of One of Her Majesty's Principal Secretaries of State: And whereas Inconvenience, Expense, and Delay have been caused to some of such governing Bodies by being obliged to attend upon a Judge going Circuit to obtain the Ratification of such Byelaws as aforesaid; and it is expedient to facilitate the Ratification of such Byelaws: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, Preamble.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act, it shall be lawful for the local governing Body of any Town in England or Wales, empowered to make Byelaws for the better governing such Town, to apply to One of Her Majesty's Chief Secretaries of State to ratify or confirm any Byelaw or Byelaws to be made by such local governing Body, and such Chief Secretary of State as aforesaid is hereby authorized, if he shall in his Judgment approve of such Byelaw or Byelaws, to ratify and confirm the same, and that notwithstanding the Act of Parliament empowering such local governing Bodies to make Byelaws may require the Ratification of such Byelaws by a Judge on Circuit.

Town Byelaws Revision.

A

BILL

INTITULED

An Act to enable One of Her Majesty's Secretaries of State, to revise Byelaws in certain Cases therein provided.

(*Brought from the Lords* 6 *July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 27 *July* 1857.

[Bill 161.]

Under 1 *oz.*

8 *May* 1857. 20 Vict.

A

BILL

TO

Amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation.

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Ninety-nine, to substitute in certain Cases other Punishment in lieu of Transportation; and it is expedient that such Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 16 & 17 Vict. c. 99.

I. Sections One, Two, Three, and Four of the said Act shall be repealed.

16 & 17 Vict. c. 99. ss. 1, 2, 3, and 4. repealed.

II. After the *Commencement of this Act*, no Person shall be sentenced to Transportation; and any Person who, if this Act and the said Act had not been passed, might have been sentenced to Transportation, shall, after the *Commencement of this Act*, be liable to be sentenced to be kept in Penal Servitude for a Term of the same Duration as the Term of Transportation to which such Person would have been liable if the said Act and this Act had not been passed; and in every Case where, at the Discretion of the Court, One of any Two or more Terms of Transportation might have been awarded,

Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.

awarded, the Court shall have the like Discretion to award One of any Two or more of the Terms of Penal Servitude which are hereby authorized to be awarded instead of such Terms of Transportation: Provided always, that any Person who might at the Discretion of the Court have been sentenced either to Transportation for any Term or to any Period of Imprisonment, shall be liable at the Discretion of the Court to be sentenced either to Penal Servitude for the same Term or to the same Period of Imprisonment; and in any Case in which before the passing of the said Act Sentence of Seven Years Transportation might have been passed, it shall be lawful for the Court in its Discretion to pass a Sentence of Penal Servitude of not less than *Four* Years.

Provisions of Acts concerning transported Offenders to apply to Offenders under Sentence of Penal Servitude.

III. And whereas the Provisions applicable to Persons under Sentence of Transportation extend to Persons under Sentence of Penal Servitude conveyed to Parts beyond the Seas in those Cases only where they are conveyed to and kept in Places of Confinement appointed under the said Act or the Act of the Fifth Year of King George the Fourth, Chapter Eighty-four, and it is expedient to extend the said Provisions to other Cases:

Any Person now or hereafter under Sentence or Order of Penal Servitude may, during the Term of the Sentence or Order, be conveyed to any Place or Places beyond the Seas to which Offenders under Sentence or Order of Transportation may be conveyed, or to any Place or Places beyond the Seas which may be hereafter appointed as herein mentioned; and all Acts and Provisions now applicable to and for the Removal and Transportation of Offenders under Sentence or Order of Transportation to and from any Places beyond the Seas, and concerning their Custody, Management, and Control, and the Property in their Services, and the Punishment of such Offenders if at large without lawful Cause before the Expiration of their Sentence, and all other Provisions now applicable to and in the Case of Persons under Sentence or Order of Transportation, shall apply to and in the Case of Persons under Sentence or Order of Penal Servitude, as if they were Persons under Sentence or Order of Transportation.

Existing Power to appoint Places of Transportation to be applicable for the Purposes of this Act.

IV. The Provisions and Powers of the said Act of the Fifth Year of King George the Fourth, authorizing the Appointment (by Her Majesty, with the Advice of Her Privy Council,) of any Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation shall be conveyed, and all other Powers of Her Majesty, or the Lord Lieutenant or Chief Governor or Governors of Ireland, for the like Purpose, shall extend and be applicable to and for the Appointment of any Place or Places beyond the Seas to which Offenders under Sentence or Order of Penal Servitude may be conveyed, as herein provided.

V. Where

V. Where in any Enactment now in force the Expression "any Crime punishable with Transportation," or "any Crime punishable by Law with Transportation," or any Expression of the like Import, is used, the Enactment shall be construed and take effect as applicable also to any Crime punishable with Penal Servitude.

Enactments having reference to Transportation to have reference to Penal Servitude.

VI. The said Act of the Sixteenth and Seventeenth Years of Her Majesty and this Act shall be read and construed together as One Act.

Acts to be read together.

VII. This Act shall commence on the *Day of One thousand eight hundred and fifty-seven.*

Commencement of Act.

Transportation and Penal Servitude.

A

BILL

To amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation.

(*Prepared and brought in by Sir George Grey and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 8 *May* 1857.

[Bill 1.]

Under 1 *oz.*

AMENDMENTS MADE BY THE LORDS

TO THE

TRANSPORTATION AND PENAL SERVITUDE BILL.

[Note.—*The Page and Line refer to the Bill as first printed by the Lords.* (20.)

Page 2.

Line 12. After (" Years") insert Clause A.

Clause A. Whenever Sentence shall be passed for Felony on a Person already under Sentence either of Imprisonment or Penal Servitude, the Court, if empowered to pass Sentence of Penal Servitude, may award such Sentence to commence at the Expiration of the Imprisonment or Penal Servitude to which such Person shall have been previously sentenced.

Court may award Sentence of Penal Servitude to commence at Expiration of any previous Sentence.

Line 44. After (" provided") insert Clause B.

Clause B. And whereas by the said Act of the Sixteenth and Seventeenth Years of Her Majesty it is provided, that any Convict whose Licence is revoked shall be recommitted to the Prison or Place of Confinement from which he was released by virtue of the said Licence: Be it enacted, That from and after the passing of this Act any such Convict may be recommitted by the Magistrate issuing his Warrant in that Behalf, either to the Prison from which he was released by virtue of his Licence, or to any other Prison in which Convicts under Sentence of Penal Servitude may be lawfully confined.

Magistrates may recommit Convicts whose Licences are revoked to Penal Servitude in any Convict Prison.

AMENDMENTS MADE BY THE LORDS

TO THE

TRANSPORTATION AND PENAL SERVITUDE BILL.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1857.

[Bill 71.]

Under 1 *oz.*

12 *August* 1857. 20 & 21 Vict.

A

BILL

INTITULED

An Act for the better Protection of Trustees, Executors, and Administrators acting bonâ fide in the Discharge of their Office.

WHEREAS by the Rules of Equity now in force Trustees, Executors, and Administrators are in many Instances held responsible as for Breaches of Trust in the Administration of the Trust Funds or Assets, although they have acted bonâ fide and without any Benefit to themselves; and it is expedient that such Rules should be modified: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Where Trustee, &c. acting bonâ fide commit a Breach of Trust, and Profits accrue thereby, such Profits to be set off against the Loss, to the Relief of Trustee, &c.

I. Where a Trustee, Executor, or Administrator acting bonâ fide has nevertheless, in the Opinion of a Court of Equity, committed a Breach of Trust, and is charged therewith accordingly, and any Profit has accrued to the Parties beneficially interested in the Estate administered by such Trustee, Executor, or Administrator, by or in consequence of the same Breach of Trust, such Profit shall be set off against any Loss with which he may be charged, to the Relief of such Trustee, Executor, or Administrator; but as between or amongst the

the Parties beneficially interested the Profit and Loss shall be respectively distributed as the Justice of the Case may require.

Trustee, &c. making Payment under Power of Attorney not to be liable by reason of Death of Party giving such Power.

II. No Trustee, Executor, or Administrator making any Payment or doing any Act bonâ fide upon the Footing of any Power of Attorney shall be liable for the Monies so paid or the Act so done, by reason that the Person who gave the Power of Attorney was dead at the Time of such Payment or Act, provided that the Fact of the Death at the Time of such Payment or Act was not known to such Trustee, Executor, or Administrator; but where a Tenant for Life or for any other determinable Interest shall authorize Payments to be made to an Attorney, the Trustee, Executor, or Administrator shall not be exonerated by this Act from ascertaining that the Party giving the Power is alive at the Time the continuing Payments are made under the Power.

Protection of Trustee, &c. in regard to Investment, provided such Trustee have taken Counsel's Opinion.

III. Where a Trustee, Executor, or Administrator shall in investing a Fund have bonâ fide acted upon the written Opinion of One of the Conveyancing Counsel of the Court of Chancery, given upon a Case fairly stated, and shall before such Investment have communicated such Opinion to all the adult Cestuis que Trusts (whether under Coverture or not), and to the Guardians or Parents or Persons standing Loco parentis of all the infant Cestuis que Trusts, and to the Committee of the Estate of any Cestui que Trust being a Lunatic or Person of unsound Mind, and such adult Cestuis que Trusts and other Persons aforesaid respectively shall not have objected to such proposed Investment, though they had a reasonable Time allowed them for that Purpose, such Trustee, Executor, or Administrator shall not be liable as for a Breach of Trust in respect of such Investment.

If Testator do not direct an Act to be done which in Equity ought to be, Trustee, &c. not liable for Breach, unless there has been Negligence.

IV. Where a Testator shall not have directed an Act to be done, which nevertheless by the Rules of Equity ought to be done, a Trustee, Executor, or Administrator acting bonâ fide shall not be chargeable as for a Breach of Trust for having omitted to do such Act, unless the Court shall be of opinion that there has been Crassa Negligentia on the Part of the Trustee, Executor, or Administrator, or some or One of the Cestuis que Trust shall have required him to perform the same; but nothing in the Act contained shall be taken to exempt a Trustee, Executor, or Administrator from Payment of Interest on Balances in his Hands, where by the Rules of Equity, as now enforced, he would be liable to Payment of such Interest.

Trustee, &c. not liable for omitting to

V. No Trustee, Executor, or Administrator who shall have acted bonâ fide in omitting to sue for a Debt due and owing to him as such

such Trustee, Executor, or Administrator shall be chargeable as for a Breach of Trust in respect of such Omission where there was reasonable Ground for believing that an Action or Suit for compelling Payment of the said Debt would not have led to the Recovery thereof or some substantial Part thereof.

sue for Debt, if there be Ground for believing Payment would not be enforced.

VI. Where a Testator or Intestate shall have lent Money on a Bond or other Personal Security, and shall not in his Lifetime have called in such Money, although due, his Trustee, Executor, or Administrator shall not be liable for having omitted to sue for the same, unless directed so to do by the Will of the Person so entitled as aforesaid, or unless required so to do by some of the Next of Kin, Cestuis que Trust, or other Persons interested in the Money to be recovered: Provided always, that if after the Death of the Person so entitled as aforesaid there shall have come to the Knowledge of such Trustee, Executor, or Administrator such a Change of Circumstances relative to the said Money or the Security thereof as in the Opinion of a Court of Equity would render it the Duty of a Trustee, Executor, or Administrator to call in the said Money, such Trustee, Executor, or Administrator shall not be protected by this Act from the Consequences of any subsequent Default.

Trustee, &c. not liable for Omission to sue on Bond, &c. for Money lent in Lifetime of Testator or Intestate, unless required so to do by the Will or by Next of Kin.

VII. Where an Executor or Administrator, liable as such to the Rents, Covenants, or Agreements contained in any Lease or Agreement for a Lease granted or assigned to the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities under the said Lease or Agreement for a Lease as may have accrued due and been claimed up to that Time, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Lessee to be laid out on the Property demised or agreed to be demised, although the Period for laying out the same may not have arrived, and shall have assigned the Lease or Agreement for a Lease to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the Parties entitled thereto respectively, without appropriating any Part, or any further Part, (as the Case may be,) of the said Testator's Personal Estate to meet any future Liability under the said Lease or Agreement for a Lease; and the Executor or Administrator so distributing the Residuary Estate shall not, after having assigned the said Lease or Agreement for a Lease, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Lease or Agreement for a Lease; but nothing herein contained shall prejudice

As to Liability of Executor or Administrator in respect of Rents, Covenants, or Agreements.

judice the Right of the Lessee or those claiming under him to follow the Assets of the Deceased into the Hands of the Person or Persons to or amongst whom the said Assets may have been distributed.

As to Distribution of the Assets of Testator or Intestate after Notice given by Executor or Administrator.

VIII. Where an Executor or Administrator shall have given such or the like Notices as in the Opinion of the Court in which such Executor or Administrator is sought to be charged would have been given by the Court of Chancery in an Administration Suit, for Creditors and others to send in to the Executor or Administrator their Claims against the Estate of the Testator or Intestate, such Executor or Administrator shall, at the Expiration of the Time named in the said Notices or the last of the said Notices for sending in such Claims, be at liberty to distribute the Assets of the Testator or Intestate, or any Part thereof, amongst the Parties entitled thereto, having regard to the Claims of which such Executor or Administrator has then Notice, and shall not be liable for the Assets or any Part thereof so distributed to any Person of whose Claim such Executor or Administrator shall not have had Notice at the Time of Distribution of the said Assets or a Part thereof, as the Case may be; but nothing in the present Act contained shall prejudice the Right of any Creditor or Claimant to follow the Assets or any Part thereof into the Hands of the Person or Persons who may have received the same respectively.

Trustee, Executor, &c. may apply by Petition to Judge of Chancery for Opinion, Advice, &c. in Management, &c. of Trust Property.

IX. Any Trustee, Executor, or Administrator shall be at liberty, without the Institution of a Suit, to apply by Petition to any Judge of the High Court of Chancery, or by Summons upon a written Statement to any such Judge at Chambers, for the Opinion, Advice, or Direction of such Judge on any Question respecting the Management or Administration of the Trust Property or the Assets of any Testator or Intestate, such Application to be served upon or the Hearing thereof to be attended by all Persons interested in such Application, or such of them as the said Judge shall think expedient; and the Trustee, Executor, or Administrator acting upon the Opinion, Advice, or Direction given by the said Judge shall be deemed, so far as regards his own Responsibility, to have discharged his Duty as such Trustee, Executor, or Administrator, in the Subject Matter of the said Application; provided nevertheless, that this Act shall not extend to indemnify any Trustee, Executor, or Administrator from any Act done in accordance with such Opinion, Advice, or Direction as aforesaid, if such Trustee, Executor, or Administrator shall have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion, Advice, or Direction; and the Costs of such Application as aforesaid shall be in the Discretion of the Judge to whom the said Application shall be made.

X. No

X. No Breach of Trust or Duty shall be protected by this Act where the Trustee, Executor, or Administrator shall either directly or indirectly derive from the Act or Matter constituting such Breach of Trust any personal Benefit.

Breach of Trust not to be protected where Trustee, &c. derive Benefit from such Breach.

5 XI. In the Interpretation of this Act, where such a Construction is not negatived by the Context or Subject Matter, every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing, and every Word importing the Plural Number shall extend and be applied to 10 One Person or Thing as well as several Persons or Things, and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Interpretation of Act.

Trustees Relief.

A

BILL

INTITULED

An Act for the better Protection of Trustees, Executors, and Administrators acting bonâ fide in the Discharge of their Office.

(*Brought from the Lords* 11 *August* 1857.)

Ordered, by The House of Commons, *to be Printed,* 12 *August* 1857.

[Bill 188.]

Under 1 *oz.*

15 *July* 1857. 20 & 21 Vict.

A

BILL

TO

Continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire on or before the End of the next Session of Parliament shall be continued until the *First Day of October One thousand eight hundred and fifty-eight*, and to the End of the then next Session of Parliament, except as herein-after mentioned. All Turnpike Acts which will expire on before the End of next Session continued to 1st Oct. 1858, &c. with certain Exceptions.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the *First Day of November One thousand eight hundred and fifty-eight*, and no longer, unless Parliament shall in the meantime continue the same respectively. Acts in Schedule to this Act continued till 1st Nov. 1858.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1857." Short Title.

IV. This Act shall not apply to Ireland. Extent of Act.

 SCHE-

SCHEDULE.

54 G. 3. c. xv. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Warwick Road near Solihull to the Guide Post in Kenilworth, and from Stonebridge to meet the aforesaid Road at Balsall Common in the County of Warwick, so far as respects the said Road from Stonebridge to Balsall Common, and from thence to the said Town of Kenilworth.

54 G. 3. c. liv. An Act for making and maintaining a Road from Balderston to Burscough Bridge in Walton-in-le-Dale in the County Palatine of Lancaster.

55 G. 3. c. xix. An Act to continue the Term and alter and amend the Powers of Three Acts of His present Majesty, for repairing the Road from Lawton in the County of Chester to Burslem and Newcastle-under-Lyme in the County of Stafford, and other Roads therein mentioned; and also to make a new Road from Burslem aforesaid to Cobridge, and a Branch therefrom to Burslem Church.

55 G. 3. c. xxxviii. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.

59 G. 3. c. xxv. An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford.

59 G. 3. c. xcix. An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in the Kimbolton to the Way Post near Brington Bridge in the said County of Northampton.

1 G. 4. c. xiv. An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign for amending the Road leading out of the Highway from Wigan to Golborn and Warrington into the Road from Wigan to Ashton in Ashton in Mackerfield in the County Palatine of Lancaster.

1 G. 4. c. xxxiii. An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow and elsewhere in the County of Salop.

3 G. 4. c. xlix. An Act for more effectually repairing and improving the Roads leading from Bishop's Castle and from Montgomery to the Road at Westbury, and from Brockton to the Road at Minsterley, and other Roads therein mentioned, in the Counties of Salop, Radnor, and Montgomery, and for amending, widening, and improving several other Roads therein mentioned in the said County of Salop.

3 G. 4. c. lxvii. An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey.

An

An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King George the Third, for repairing the Road from the Town and Port of Dover to the Town and Port of Sandwich, and also the Road from the present Turnpike Road leading from Dover to Barham Downs, up Kersney Court Hill to the Parish of Whitfield, otherwise Beausfield, in the County of Kent. 3 G. 4. c. xcvi.

An Act for repairing, widening, and maintaining the Road leading from Horsham in the County of Sussex, through Dorking and Leatherhead, to Epsom in the County of Surrey, and from Capel to Stone Street at Ockley in the said County of Surrey. 4 G. 4. c. lxxxvi.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned. 7 & 8 G. 4. c. lvii.

An Act for more effectually repairing, widening, and otherwise improving the Road from the South End of Milton Street in the Town of Nottingham to the West End of Blind Lane in the Town of Mansfield in the County of Nottingham. 9 G. 4. c. xxiii.

An Act for amending and maintaining the Turnpike Road from the Northern End of the Village of Balby in the County of York to Worksop in the County of Nottingham. 9 G. 4. c. xlvi.

A

BILL

To continue certain Turnpike Acts in Great Britain.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 125.]

Under 1 *oz.*

Turnpike Trusts Abolition (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

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Interpretation; 2.
Commissioner appointed for executing the Act; 3.
Authentication of Documents; 4.
Proceedings, &c. of Commissioner to be binding, and not to be removed by Certiorari; 5.
Notices may be sent by Post; 6.
Remuneration of Commissioner; 7.
Declaration to be taken by Commissioner; 8.
Commissioner to carry Act into execution. Notice to be given of Sittings. Sittings may be adjourned; 9.
Commissioner to inquire into Debts, Conditions, &c. of Trusts. When Securities lost, Commissioner may include Rentholders among Creditors; 10.
Power to summon Witnesses and to require Production of Documents; 11.
False Evidence; refusing to give Evidence, destroying Documents, &c.; 12.
Record of Proceedings; 13.
Commissioner to ascertain Mortgages charged on each Trust; 14.
Commissioner to ascertain Rents payable by each Trust; 15.
Commissioner to ascertain certain Debts other than Mortgages due on such Trusts; 16.
Debts so ascertained to be charged on Counties and Baronies; 17.
Award of Commissioner; 18.
Awards may be to Representatives of Persons under Disabilities; 19.
The Cost of carrying Act into execution, how to be paid; 20.
Commissioner to make a general Award; 21.
Award to be enrolled, &c.; 22.
Commissioner may make supplemental Awards; 23.
Grand Juries to present Sums and Annuities payable pursuant to this Act; 24.
Commissioner to give Mortgagees Certificate of Amount due; 25.

Register to be kept; 26.
Register of Transfer; 27.
Payment to be a Discharge; 28.
Treasurer of County may deposit Sums awarded in the Court of Chancery; 29.
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Grand Juries may present for Mortgages; 31.
Grand Juries entitled to borrow. Grand Jury may appoint Committee; 32.
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Officers to account, and deliver up Documents, &c.; 39.
Penalties, &c. how to be recovered; 40.
Property of Trusts to vest in Commissioner; 41.
Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner; 42.
Trust Property to be sold; 43.
Application of Produce of Sales and Balances in Hands of Trustees; 44.
SCHEDULES.

(Ireland.)

A

BILL

TO

Discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.

WHEREAS under the Provisions of the Acts recited in the Schedule (A.) to this Act annexed, Trustees were appointed for the Management and Maintenance of the Roads therein mentioned, with Power to levy Tolls thereon: And whereas Her Majesty was, on the Twelfth Day of February One thousand eight hundred and fifty-six, pleased to issue a Commission under the Great Seal to Edward Clements, Esquire, directing him to inquire and report on the Propriety of maintaining or abolishing all or any of the Turnpike Roads existing in Ireland, and the Condition of each of the said Roads, and the Receipt and Expenditure, and the Accounts of each Trust, and the Amount of Debts and Charges thereon, and the original Value and market Value, in each of the last Ten Years, of the Debentures, and the Number of Debenture Holders, and the Mode of paying off the said Debentures which should Preamble.

should appear to the said Commissioner most just and equitable, and the Proportion thereof which should be charged to the respective Counties or Baronies concerned: And whereas the said Commissioner has since made his Report to Her Majesty, and has therein reported in favour of abolishing the Turnpikes on the said Roads, and has recommended that the said Roads should be maintained as the other free Highways of the Counties in which they may be situated, and has offered Suggestions as to the Mode in which the said Turnpike Trusts should be abolished, and the Debentures and Debts due thereon should be valued, apportioned, and discharged: And whereas it is expedient that certain Recommendations of the said Commissioner should be carried into effect: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. This Act may be cited for all Purposes as "The Turnpikes Abolition Act (Ireland), 1857."

Interpretation.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:" The Word "Person" shall include Corporation, whether sole or aggregate:

"The Lord Lieutenant:" "The Lord Lieutenant" shall mean the Lord Lieutenant or other chief Governor or Governors of Ireland for the Time being:

"Rents:" "Rents" shall mean any Rents or Annuities secured upon or payable out of the Tolls levied under any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Rentholder:" "Rentholder" shall mean any Person entitled to any such Rents:

"Rates:" "The County Rates," or "Rates," shall in respect of the County of the City of Limerick mean the Rates of the Borough of Limerick:

"Grand Jury:" "The Grand Jury" shall in respect of the County of the City of Limerick mean the Council of the Borough of Limerick:

"Mortgage:" "Mortgage" shall mean any Security for Monies secured upon the Tolls levied under the Provisions of any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Mortgagee:" "Mortgagee" shall mean any Person entitled to any such Security:

"Trustees:" "Trustees," as regards Turnpike Trusts, shall include Commissioners and Directors:

"County:" "County" shall include County of a City or County of a Town:

"Barony:" "Barony" shall include Half Barony:

"Officer"

"Officer" shall include Secretary, Treasurer, Clerk, Surveyor, and Toll Collector: "Officer:"

"Road" shall include Bridges, and all other Works appertaining to the Road: "Road:"

5 "Treasurer of the County" shall include the Secretary of the Grand Jury, as the Case may be. "Treasurer of the County."

III. It shall be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint any fit Person to be the Commissioner for carrying this Act into execution, and upon any Vacancy in the Office 10 of such Commissioner to appoint some other fit Person to such Office, and the said Person so to be from Time to Time appointed shall be the Commissioner for executing this Act, and shall be styled "The Turnpikes Abolition Commissioner." Commissioner appointed for executing the Act.

IV. All Certificates, Awards, or other Instruments made by or 15 proceeding from the Commissioner in pursuance of this Act shall be sufficiently authenticated if under the Hand of the Commissioner, and the same may be in Writing or in Print, or partly in Writing and partly in Print, and all such Certificates, Awards, and other Instruments or Copies thereof purporting to be executed by the Commissioner shall 20 be Evidence that such Certificates, Awards, or other Instruments were duly made and executed, and that all the Requisitions of this Act in relation thereto were complied with, unless the contrary be shown. Authentication of Documents.

V. All Certificates, Awards, and other Instruments made or 25 executed pursuant to this Act by the Commissioner, and all Proceedings under this Act of such Commissioner, shall be binding and conclusive (except as in this Act otherwise provided) on all Parties thereto and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or by any other Writ or Process 30 into any of Her Majesty's Superior Courts at Dublin. Proceedings, &c. of Commissioner to be binding, and not to be removed by Certiorari.

VI. All Notices and other Documents by this Act directed to be delivered or given, except such as are to be given by Advertisement, may be sent by Post. Notices may be sent by Post.

VII. It shall be lawful for the Lord Lieutenant to direct such Sum 35 as he shall think fit, not exceeding . . . . . Pounds, to be paid to the Commissioner to be appointed under this Act, as a Remuneration for his Services in carrying this Act into execution, and the Remuneration of such Commissioner shall be provided and paid as Part of the Expenses of carrying this Act into execution; provided, 40 that if such Commissioner should die, be removed, or vacate his Remuneration of Commissioner.

Office before the making of a general Award as by this Act provided, then it shall be lawful for the Lord Lieutenant to direct that such Portion only as to the Lord Lieutenant shall seem just and reasonable of the Remuneration so originally directed to be paid to the Commissioner so dying, being removed, or vacating his Office, shall be paid in respect of the Services of such Commissioner.

Declaration to be taken by Commissioner.

VIII. The Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas or One of the Barons of the Court of Exchequer in Ireland; that is to say,

'I A.B. do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Turnpikes Abolition Act (Ireland), 1857."'

And the Appointment of such Commissioner, with the Time when, and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

Commissioner to carry Act into execution.

Notice to be given of Sittings.

Sittings may be adjourned.

IX. The Commissioner shall proceed, so soon as he conveniently can after the *passing of this Act*, to sit for the Execution thereof, and before proceeding to inquire into the Affairs of any Trust shall cause Notice to be given of the Day and Time at which he shall determine to hold any Sitting other than adjourned Sittings, and of the Purpose thereof, by Advertisement, to be inserted in some Newspaper or Newspapers circulating in each of the Counties in which may be situate the Turnpike Trusts in respect of which such Sitting may be intended to be held, *Fourteen* Days at least before the Time fixed for holding any such Sitting; and the Commissioner shall have Power to adjourn his Sittings from Time to Time and from Place to Place, as may be found necessary.

Commissioner to inquire into Debts, Conditions, &c. of Trusts.

X. The Commissioner shall make, so far as he shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in him, full and diligent Inquiry into the Revenue, and Debts (if any), of each of the several Turnpike Trusts to which the Acts of Parliament in Schedule (A.) to this Act annexed apply, and shall examine and ascertain the Amount and Nature of all Mortgages, Rents, and other Debts (if any) to which he shall consider each such Trust to be liable, and shall ascertain all Particulars relating to such Trust which he shall deem essential; and the Commissioner shall require to be produced, and shall examine and compare with the Registries thereof, all Mortgages or other Securities in respect of which

which any Claims upon the Tolls of such Turnpike Trusts, or any of them, shall be made; and in case it shall appear to the Commissioner, by the Books of such Trust or by any other Evidence satisfactory to the Commissioner, that any Person is a bonâ fide Mortgagee, 5 Rentholder, or Creditor of such Trust, though the Mortgage or Security of such Person may have been lost, mislaid, or destroyed, the Commissioner shall include such Person among the Mortgagees, Rentholders, or Creditors of such Trust in respect thereof.

When Securities lost, Commissioner may include Rentholders among Creditors.

XI. The Commissioner may, by Summons under his Hand, require 10 the Attendance before him, at a Time and Place to be mentioned in such Summons, of any Trustee or Officer of any of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such 15 Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, or other Documents which the Commissioner may consider to relate to any such Question or Matter: Provided always, that no Person shall be obliged by any such Summons to go or travel more than *Sixty* Miles from the Place 20 of his usual Abode; and the Commissioner may allow to any Witness attending pursuant to any such Summons such Expenses as he may deem reasonable.

Power to summon Witnesses and to require Production of Documents.

XII. Every Person who, being examined under the Authority of this Act by the Commissioner, shall wilfully and corruptly give false 25 Evidence shall be deemed guilty of a Misdemeanor; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, and every Person who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any such Books, Accounts, Maps, Acts of Parliament, or other Documents 30 as aforesaid, shall be liable for every such Offence to a Penalty not exceeding *Ten* Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

False Evidence; refusing to give Evidence, destroying Documents, &c.

XIII. The Commissioner shall make a full and particular Record in Writing of such his Proceedings in the execution of this Act as he 35 shall deem essential.

Record of Proceedings.

XIV. So soon as the Commissioner shall have ascertained all such Particulars relating to any such Turnpike Trust as he shall deem essential, he shall proceed to estimate and determine the Sums to be payable in respect of the Mortgages to the Payment of which 40 he shall consider such Trust to be liable, in the Manner next hereinafter provided; that is to say, firstly, the Sums to be payable in

Commissioner to ascertain Mortgages charged on each Trust.

respect of the Mortgages of the Trust Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork, in the Schedule (A.) to this Act mentioned, shall be the full Amount of the Principal Monies secured by such Mortgage, and all Interest thereon which shall be due and unpaid upon the *Fifth Day of January* next after the passing of this Act; secondly, the Sums to be payable in respect of the Mortgages, if any, of any other of the said Trust Roads shall be the fair and actual Value (if any) of the Principal Sums secured by such Mortgages respectively, and of all Interest due on such Mortgages respectively, excluding nevertheless all such Interest as shall have been due and in arrear for more than *Six* Years previous to the said *Fifth Day of January*, which last-mentioned Interest the Commissioner shall in respect of the said last-mentioned Trust Roads deduct and disallow.

Commissioner to ascertain Rents payable by each Trust.

XV. The Commissioner shall in like Manner ascertain the Nature and Amount of all Rents charged upon and payable out of the Tolls of any such Trust, and all Rents reserved on Leases, and the Sums to be payable in respect of every such Rent shall be an Annuity of the same annual Amount as such Rent, and for the same Term as such Rent may have been made payable: Provided, that when such Rent shall be payable or reserved during the Continuance of any Act or Acts of Parliament, such Rent shall be deemed a perpetual Rent; provided also, that when the Interest in any such Lease shall be sold under this Act no Annuity shall be payable in respect of the Rent thereby reserved.

Commissioner to ascertain certain Debts other than Mortgages due on such Trusts.

XVI. The Commissioner shall in like Manner ascertain the Nature and Amount of all Debts other than Mortgages to the Payment of which he shall consider each such Trust to be justly and properly liable, and the Sums to be payable in respect of all such Debts other than Mortgages shall be the full Amount of such Debts.

Debts so ascertained to be charged on Counties and Baronies.

XVII. The Sums and Annuities which the Commissioner shall so determine to be payable in respect of any such Turnpike Trust shall be charged upon the Counties and Baronies of the Counties in which the Roads comprised in such Trust are locally situate, as next hereinafter provided; that is to say, where the whole of the Roads comprised in any such Trust shall be locally situate in One County only, *One Half* of such Charges and Annuities shall be apportioned to the County and the *other Half* to the Barony, or between the Baronies thereof in which such Roads are situate, in proportion to the Length of such Roads in each such Barony; and where the Roads comprised in any such Trust shall be locally situate in more Counties

Counties than One, such Charges and Annuities shall be divided, first, between such Counties, by allotting specific Charges and Annuities to each such County as nearly, in proportion to the Length of such Roads in each such County, as the Number and Amount of 5 such Charges and Annuities will admit; and the specific Charges and Annuities so allotted to each such County shall be then apportioned between such County and the Baronies thereof as herein-before provided with respect to Trusts locally situate in One County only: Provided, that when in the Division between such Counties of the 10 Charges and Annuities in respect of any particular Trust any greater Proportion of such Charges and Annuities shall have been allotted to any such County than in the Proportion of such Road therein, it shall be lawful for the Commissioner to take the same into account in dividing the Charges and Annuities in respect of any other of such 15 Trusts, or in the apportioning of the Expenses of carrying this Act into execution herein-after mentioned, so as to make the Aggregate of Charges and Annuities upon each such County in respect of such Roads therein locally situate as nearly as possible in the Proportions herein-before provided; provided also, that when the Sum payable in 20 respect of any specific Mortgage shall be of such Amount that the same cannot be properly allotted in the Manner aforesaid, then it shall be lawful for the Commissioner to divide the same rateably between Counties and Baronies, anything herein contained with regard to allotting specific Sums to each County or Barony to the contrary 25 notwithstanding.

Award of Commissioner.

XVIII. The Commissioner shall thereupon make, in the Case of each Turnpike Trust, a separate Award in Writing, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies as Mortgagees or Creditors of such 30 Trust, or to any Annuities, together with the Sums of Money or Annuities to which, in the Judgment of the Commissioner, the said Persons shall be respectively entitled, and in case of Mortgagees, whether the Sums of Money payable to such Mortgagees respectively shall be payable in One or more Instalments or otherwise, and shall also 35 specify therein the Names of all such Persons as shall have claimed or who shall appear to be Creditors or Mortgagees or Rentholders of such Trust to whom the Commissioner shall have determined to award no Sum, and shall also specify therein the Apportionment which the Commissioner shall have made as aforesaid of the Sums 40 of Money or Annuities payable in respect of such Trust by the Counties or Baronies in which such Trust Roads shall be situate, and the Commissioner shall forthwith deliver a Copy of his Award to the Clerk or other Officer of such Trust; and the said Clerk or other Officer shall, within *Three* Days from the Delivery of such

Award, give notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively.

Awards may be to Representatives of Persons under Disabilities.

XIX. Where any Monies or Annuities shall be due to any Infant, the Award may be made for the Payment of the Sum or Annuity therein specified to the Guardian of such Infant, or if there shall be no Guardian then to any Trustee for such Infant; and if any Monies or Annuities shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies or Annuities shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee, or in case of the Refusal to act or Incapacity of any such Trustee, or if for any other Cause it shall to the Commissioner appear expedient, then the Commissioner by his said Award, or by any Writing under his Hand, may appoint another Trustee for the Purpose of receiving such Payment.

The Cost of carrying Act into execution, how to be paid.

XX. All the Expenses of the Commissioner in carrying this Act into execution shall be paid as by this Act provided; and the Commissioner shall keep an Account of all Expenses incurred by him in carrying this Act into execution, and by his Award may certify the Amount thereof; and the Commissioner shall apportion the Amount of such Expenses so certified between the Counties and the Baronies of the Counties in which the said Turnpike Trusts are situate, as herein provided with respect to Charges for Roads locally situate in more than One County, and the said Awards of the Commissioner shall have the same Force and Effect as any other Awards made in pursuance of this Act: Provided, that in dividing between Counties such Expenses, the Commissioner may divide the same rateably and without allotting specific Sums, anything herein-before contained to the contrary notwithstanding; provided also, that the Expenses of the Commissioner, so certified, shall be the First Charge on all Monies applicable to such Purpose which shall come to the Hand of the Commissioner by virtue of this Act, in preference to all such Claims whatsoever.

Commissioner to make a general Award.

XXI. So soon as conveniently may be after the Amount of the Sums and Annuities payable to the several Mortgagees, Creditors, and Rentholders of the Trusts, or any of them, to which the Acts in Schedule (A.) to this Act apply shall have been ascertained under this Act, so far as the Commissioner may be enabled to ascertain the same, and after the Commissioner shall have ascertained the Amount of the Expenses of carrying this Act into execution, and shall have made the several Awards by this Act directed, the Commissioner shall draw up a general Award, which shall specify the specific Sums and

and Annuities payable to the Mortgagees, Creditors, and Rentholders of the said Trusts allotted by the Commissioner to each County, and the Apportionment of each such specific Sum and Annuity between such County and the Baronies thereof, and in like Manner the Division and Apportionment made by the Commissioner in respect of the Expenses of carrying this Act into execution and the Persons to whom the said Sums, Annuities, and Expenses shall be respectively payable; and as regards the specific Sums payable to the Mortgagees, the said Award shall specify whether the same shall be payable in One or more Instalments, or whether the Interest only on such specific Sums, at the Rate of *Four* Pounds per Centum per Annum, shall, for a certain Time mentioned therein, be so payable, and in such Case within what Period the Principal Sums payable to such Mortgagees shall be paid off; and as regards the said Annuities, the said Award shall specify the Terms or Periods during which they shall be respectively payable: Provided always, that the Sums payable in respect of the Expenses of carrying this Act into execution, and of all Debts other than Mortgages and Rents, shall be payable in One Instalment and not otherwise, and the said Award shall specify that such Sums shall be so payable: Provided also, that in such general Award the Commissioner may make such Alterations in the Divisions and Apportionments made in his previous Awards under this Act as he may deem necessary to render the Aggregate of the Charges upon each County and the Baronies thereof as nearly as possible in the Proportion by this Act directed.

Award to be enrolled, &c.

XXII. Such general Award, when executed by the Commissioner, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland within *Three* Months after the Execution thereof, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which may be situate any of the said Trusts, and such Clerk of the Peace is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so executed and enrolled, shall be binding and conclusive upon all Persons whomsoever, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with.

Commissioner may make supplemental Awards.

XXIII. In case, after such general Award shall have been so made, any Claims shall be made in respect of Debts, Mortgages, or Rents not included in such general Award, it shall be lawful for the Commissioner to entertain the same, and to make supplemental Awards in relation thereto, as herein-before provided with respect to the general Award under this Act, which supplemental Awards shall be con-

 sidered

sidered Amendments of or Additions to such general Award, and shall be enrolled and deposited with the Clerk of the Peace in like Manner, and the Creditors, Mortgagees, and Rentholders included in such supplemental Awards shall for the Purposes of this Act be considered as included in such general Award. 5

Grand Juries to present Sums and Annuities payable pursuant to this Act.

XXIV. The Sums, Annuities, and Expenses which the Commissioner shall have ascertained by the said general Award to be payable by any such County or any Barony thereof shall be payable by the Grand Jury of such County, and the Commissioner shall certify to the Secretary of such Grand Jury the Amount of such Sums of Money and 10 Annuities, and the Manner by and in which the same are to be payable pursuant to this Act, and such Grand Jury is hereby empowered and required without Application at Presentment Sessions to make Presentment of the Principal Sums payable in respect of the said Mortgages or Debts, and the Sums payable in respect of the Expenses of 15 carrying this Act into execution, or from Time to Time to make Presentment of Interest from the *Fifth Day of January* next after the passing of this Act, at the Rate of *Four* Pounds per Centum per Annum, upon the Sums payable in respect of the said Mortgages, as the Case may be, and of the Amount of the Gales from Time to 20 Time due of such Annuities, to be raised off the County at large or any Barony thereof, pursuant to the said Certificate; and in default of such Presentment the Court at the Assizes shall order the Amount of such Principal, Interest, Gales of Annuity, or Expenses of carrying this Act into execution, as the Case may be, to be raised off 25 such County or any Barony thereof, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert the Amount of such Principal, Interest, Gales of Annuity, Expenses, or Debts, as the Case may be, in his Warrants, and the same shall be applotted, raised, and levied as if the same had been 30 duly presented, and when and so soon as the Amount of such Principal or Interest, Gales of Annuity, Expenses, or Debts shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Persons entitled thereto.

Commissioner to give Mortgagees Certificate of Amount due.

XXV. So soon as the said general Award shall have been exe- 35 cuted by the Commissioner, he shall cause to be prepared and shall deliver to every Mortgagee who shall not be entitled to receive the Sum payable to him in One or more Instalments, under the Provisions of this Act, and to every Rentholder entitled under the said general Award to any Monies or Annuities allotted to any particular County, a 40 Mortgage or Security setting forth the Principal Sum secured by such Mortgage, and the Rate of Interest payable thereon or the Annuity to which such Rentholder may be entitled, as the Case may be, and the

the Counties to which the same have been respectively allotted, and such Mortgage may be in the Form in Schedule (B.) and such Annuity in the Form in Schedule (D.) to this Act annexed: Provided always, that no Mortgage or Security shall be given to any such 5 Mortgagee or Rentholder until he shall have delivered up to the said Commissioner every Mortgage or other Security in his Possession or Power whereby the Debt or Rent in respect of which such general Award was made may have been secured.

Register to be kept.

XXVI. The Treasurer of the County shall keep a Register of 10 all Mortgages and Securities under this Act affecting the County, and before he shall make any Payment on Foot thereof to the Parties entitled thereto he shall enter in such Register the Number and Date thereof, and the Sums or Annuity therein specified, and the Name and Description of the Party to whom the same is or 15 are payable, and every such Register shall be open to public Inspection, during Office Hours, at the Office of such Treasurer, without Fee or Reward.

Register of Transfer.

XXVII. Any Mortgagee or Rentholder entitled to any Mortgage or Annuity under this Act may transfer his Estate and Interest 20 therein to any other Person, by Deed duly stamped, truly stating his Name, the Date of his Mortgage or Security, the Name and Description of the Parties thereto, and the Consideration for such Transfers, and such Transfer of a Mortgage may be in the Form in Schedule (C.) and such Transfer of an Annuity in the Form 25 in Schedule (E.) to this Act annexed, or to the like Effect, and the Treasurer of the County shall keep a Register of such Tranfers; and all such Transfers shall previous to the Payment of any Sum on Foot of the Mortgage or Annuity therein expressed to be transferred be produced to the Treasurer of the County, and such 30 Treasurer shall, without Fee or Reward, cause an Entry to be made in such Register of its Date, and of the Names and Descriptions of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Heirs, Executors, Administrators, and Assigns, shall be entitled to the full Benefit of 35 the Mortgage or Annuity so transferred, and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage.

Payment to be a Discharge.

XXVIII. Payment to the Persons named in the said Certificates, Awards, Mortgages, or Securities respectively, their Heirs, Executors, Administrators, or Assigns respectively, or to the Guardian of 40 any Infant, or to the Committee of any Idiot or Lunatic, shall be a valid and effectual Payment and Discharge of and in respect to the

Monies and Annuities by the said Awards directed to be paid; and the Treasurer of the County may pay any such Monies and Annuities to the Persons whom it shall be made to appear to his Satisfaction are the Persons or Bodies beneficially, or as Trustees, entitled thereto, and notwithstanding any Error or Omission in the said Awards as to the Persons or the Names or Descriptions of the Persons entitled thereto.

Treasurer of County may deposit Sums awarded in the Court of Chancery.

XXIX. If any Trustee entitled to any Money so awarded shall refuse to accept the same, or if it shall appear to the Treasurer of the County that there is no Person to whom Payment thereof can be lawfully made as herein-before provided, it shall be lawful for the Treasurer to deposit the said Monies in the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, to be placed to the Credit (under any Description which shall appear to the said Treasurer sufficient) of the Persons entitled thereto; and upon any such Deposit being made, the Cashier of the Bank of Ireland shall give the said Treasurer a Receipt for such Money, and thereupon the said Treasurer shall be discharged from all further Responsibility or Duty in regard to the Money so deposited; and upon the Application, by Petition, of any Party making claim to such Money or any Part thereof, the said Court of Chancery may make such Order in relation thereto as to such Court shall seem fit.

Claims to be extinguished.

XXX. Upon Payment pursuant to this Act of the Sums in the said Award mentioned, the Claims of all Persons in respect of the Sums so awarded, and of the Securities or Demands in respect of which Sums shall have been so awarded, shall be extinguished.

Grand Juries may present for Mortgages.

XXXI. In case any Grand Jury shall be desirous of purchasing, paying off, or redeeming the said Mortgages or Annuities, or any of them, it shall be lawful for any such Grand Jury to present such Sum as shall appear to be necessary for that Purpose, to be apportioned as between the County and the Baronies thereof, in the same Proportions as the Mortgages or Annuities intended to be paid off or redeemed shall have been apportioned; and the Amount of such Presentment shall be raised and levied as any other Monies to be presented, raised, and levied by such Grand Jury.

Grand Juries entitled to borrow.

XXXII. In case any of the said Grand Juries should be desirous of raising the Amount necessary to purchase, pay off, or redeem the said Mortgages, Annuities, or any of them, by way of Loan from any Person willing to make Advances of Money for the Purpose, it shall thereupon be lawful for any such Grand Jury at any Assizes to present

present such Sum as shall be intended to be raised by Loan, in order to obtain such Advance, and to set forth in such Presentment that the said Sum shall be raised and levied by half-yearly Instalments of not less than *Ten Pounds* per Centum per Annum, and likewise to present a Sum sufficient to pay the annual Interest of the Sum so advanced, and of the Balance thereof from Time to Time remaining due, at a Rate not exceeding *Six Pounds* per Centum per Annum, and also to set forth in such Presentment the Proportions thereof, as directed by the said Certificate, to be raised on the County at large or upon any Barony thereof; and it shall be lawful for any such Grand Jury in every such Presentment to nominate and appoint a Committee of not less than *Three* or more than *Five* Persons to treat, agree, and contract for a Loan with any Person willing to make the same on the Security of such Presentment, and otherwise to carry the same Presentment into effect, and every such Presentment may be in the Form in Schedule (F.) to this Act annexed.

Grand Jury may appoint Committee.

XXXIII. It shall be lawful for the Committee so nominated and appointed, or any *Three* or more of them, to treat, agree with, and contract for a Loan with any Person willing to make the same on the Faith of such Presentment, and for the Rate of Interest, not exceeding the Limit aforesaid, to be paid in respect of such Loan, and the Terms of every such Contract shall be reduced to Writing on a certified Copy of such Presentment, and signed by the said Committee or any *Three* or more of them, and by the Person advancing such Money, and shall be delivered to such last-mentioned Person, and held by him as a Security for his Loan until the whole Amount thereof, with Interest as therein set forth, shall be fully paid off and discharged.

Committee to negotiate Loan.

XXXIV. The Loan shall be paid in to the Account and to the Credit of the Treasurer of the County, and accounted for by him in like Manner as any other Monies by him received for the Use of the County, and all Securities given by him shall extend to such Monies; and the Treasurer, as soon as the said Loan shall have been so paid in to his Credit as such Treasurer, shall pay and apply the same to and amongst the Persons entitled to the Sums in respect of which such Loan shall have been made.

Loan to be paid to Treasurer.

XXXV. The Treasurer of the County shall, without further Authority or Presentment in that Behalf, issue his Warrant for or include in his general Warrant at each Assizes such Portion of the whole Sum presented by the Grand Jury as aforesaid, together with such Sum for Interest thereon as may be necessary for the Purpose of paying to the Person so advancing Money the Instalments and

Treasurer to insert in Warrants Instalments of Loan.

Interest thereon as aforesaid; and it shall not be lawful for the Grand Jury to restrain the issuing of any such Warrant; and the Sum inserted in such Warrant shall be raised and levied as other Monies directed by any Warrant of such Treasurer are by Law raised and levied; and such Treasurer shall pay the Person so advancing Money all such Monies as shall be received by him by virtue of the Presentment and Warrants aforesaid till the whole Loan, with the Interest thereon, shall be paid: Provided always, that all Monies in the Treasurer's Hands shall be applicable to pay the said Instalments of Principal and the Interest thereon, according to the Terms of any such Loan; and if it shall happen that any Money shall be raised by virtue of any such Presentment which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County or Barony from which it shall have been raised.

Grand Juries may redeem Mortgages or Annuities.

XXXVI. So soon as the Amount of the Presentment so made or the Loan so contracted for the Purpose of purchasing, paying off, or redeeming any such Mortgages or Annuities shall have been paid to or received by the Treasurer of the County, he shall apply the same in paying to such Mortgagees the Principal Sum due on Foot of their said Mortgages, or such less Sum as the said Mortgagees may be willing or shall have agreed to accept for their said Mortgages, or in redeeming the said Annuities upon such Terms as the said Annuitants may be willing to accept: Provided always, that it shall not be lawful to pay the said Annuitants in redemption of their said Annuities any greater Sum than at the Rate of One hundred Pounds for every *Four Pounds* of Annuity.

Redeemed Mortgages or Annuities to be cancelled.

XXXVII. When any such Mortgage or Annuity shall have been paid off or redeemed, the same shall be transferred by the Mortgagee or Annuitant to the Treasurer in the Manner herein provided, and the Deed of Transfer shall express that the same has been transferred to the said Treasurer, in trust for the County; and thereupon the said Mortgage or Annuity shall be extinguished, and the Security therefor shall be cancelled by the Treasurer, and delivered to the Clerk of the Peace, to be kept among the Records of the County; and the said Treasurer shall enter in the said Transfer Book a Memorandum that the said Security has been so cancelled and delivered.

Repeal of Acts.

XXXVIII. On and after the *Fifth Day of January* next after the passing of this Act, the several Acts set forth in Schedule (A.) to this Act annexed are hereby repealed, and from thenceforth the Trustees appointed by the said Acts shall be discharged from the Execution of the Trusts and Powers thereby vested in them, and the Collection

Collection and taking of Tolls upon the Roads in the said Acts comprised shall absolutely cease; and upon and from the said *Fifth Day of January* the said Roads shall be and become and the same are hereby declared to be public Roads of the Counties in which such Roads are respectively situate, and shall be maintained and kept in repair in like Manner and shall be subject to the like Provisions as other public Roads within the said several Counties.

Roads declared to be publicRoads.

XXXIX. The Officers employed under the said Acts hereby repealed shall, within *Thirty* Days after the said *Fifth Day of January*, make up, sign, and balance their Accounts up to the said *Fifth Day of January*, and shall lay the same before the Commissioner, who is hereby authorized to examine such Officers upon Oath as to the Truth of their Accounts, and to accept and receive any Balance that may be due by any such Officer; and every such Officer shall pay or deliver to the Commissioner, or to such Person as he shall direct and appoint to receive the same, all Monies, Balances, Securities, Vouchers, Receipts, Accounts, and other Documents, and also all Materials, Tools, Implements, and other Things, in his Possession or Control by virtue of his said Office; and if any such Officer shall neglect or refuse to render such Accounts, or to pay any such Balance, or to deliver to the Commissioner or the Person appointed by him as aforesaid any of the Documents or Things aforesaid in his Possession or Control by virtue of his said Office, such Officer shall for every such Offence be liable to a Penalty not exceeding *Ten Pounds*, in the Discretion of the Justices before whom such Offender shall be convicted.

Officers to account, and deliver up Documents, &c.

XL. All Fines or Penalties inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (Ireland) Act, 1851," and shall be applied in the Manner by the said Act directed.

Penalties, &c. how to be recovered.

XLI. Upon and from the said *Fifth Day of January* all Lands, Quarries, Tenements, and Hereditaments, and all Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, Lamps, Lamp Posts, Monies, Choses in Action, and all other Property vested in or belonging to the Trustees of the several Roads, for the Purposes of the Trust thereof, shall vest in the Commissioner for such Estate or Interest as the said Trustees shall have therein, and the said Trustees and their Officers, and all other Persons in possession thereof, shall Surrender the same, and all the Title Deeds, Leases, Contracts,

Property of Trusts to vest in Commissioner.

Instruments, or Things relating thereto, to the Commissioner, to be by him applied as by this Act directed.

Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner.

XLII. If any Toll Collector or other Person refuse or neglect, after *Twenty-four* Hours Notice in Writing to that Effect, to deliver up to the Commissioner, or to any Person appointed by him for that Purpose, any Toll House or other Building or Property vested in the Commissioner under the Provisions of this Act, or any Matters or Things relating thereto, in the Possession or Custody of such Toll Collector or other Person, then, upon Application being made by the Commissioner to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof, or of any such Property, Matter, or Thing, and to deliver the same to the Commissioner or any Person appointed by him for that Purpose.

Trust Property to be sold.

XLIII. The Commissioner shall, as soon as conveniently may be after the said *Fifth Day of January*, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in him as shall not be required for the Purposes of the said Roads, and the Rights, Members, and Appurtenances thereof, and of such Personal Property as aforesaid, either by Public Auction or by Private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioner shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchase thereof or any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioner; and the Commissioner shall and he is hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Roads or any of them, and may, if he think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioner shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road, he shall offer the same to the Person whose Lands shall adjoin thereto, and if such Person

Person shall thereupon refuse or shall not agree to purchase the same, such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Application of Produce of Sales and Balances in Hands of Trustees.

XLIV. All Monies to arise from such Sales of the Property of any 5 such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of any such Turnpike Trust, shall be applied by the Commissioner, in the First Instance, in discharge of the Expenses of carrying this Act into Execution, and the several Counties or the Baronies thereof 10 wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioner shall allocate the same accordingly; and the Commissioner shall from Time to Time certify to the Treasurer of any such County the Sum to Credit for which 15 such County or any Barony thereof shall be entitled, and thereupon it shall be lawful for such Grand Jury to deduct from any Presentment to be made and levied off any such County or Barony thereof, under the Provisions of this Act, the Amount to Credit for which such County or Barony shall be so certified to be entitled; and the 20 Balance of all Monies so arising shall in like Manner be so allocated, and shall be paid to the Treasurers of the said Counties, and shall be by the said Treasurers applied in aid of the Presentments to be made under this Act in relation to such Trust.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
11 Geo. 4. and 1 Will. 4. c. 111.	An Act for improving and repairing the Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork.
1 & 2 Geo. 4. c. 38. -	An Act for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer.
5 & 6 Vict. c. 92. -	An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King George the Fourth, for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer, so far as relates to the Second Division of the said Road.
3 & 4 Will. 4. c. 112.	An Act for more effectually repairing several Roads in the Counties of Carlow, Kilkenny, and Tipperary, and also the Road from the Town of Clonmel through the County of Waterford to the Cross Roads of Knocklofty in the said County of Tipperary.
2 & 3 Will. 4. c. 59. -	An Act for more effectually repairing the Road leading from Shankhill in the County of Kilkenny to the City of Waterford.
11 Geo. 4. and 1 Will. 4. c. 112.	An Act for repairing and maintaining the Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan.
11 & 12 Vict. c. 50. -	An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for repairing and maintaining the Roads " from the Town of Dundalk in the County of Louth to " the Towns of Castleblayney and Carrickmacross in the " County of Monaghan."
1 & 2 Vict. c. 74. -	An Act for more effectually repairing the Road from Dundalk to Dunleer in the County of Louth.
5 & 6 Vict. c. 76. -	An Act to amend an Act of His late Majesty King George the Fourth, for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Southern Division of the said Road.
6 & 7 Vict. c. 48. -	An Act for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Northern Division of the said Road.

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
5 & 6 Will. 4. c. 67. -	An Act for more effectually repairing and improving the Road from Newry to Charlemont through the County of Armagh.
59 Geo. 3. c. 128. -	An Act for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
4 & 5 Will. 4. c. 74. -	An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King George the Third, for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
7 Will. 4. and 1 Vict. c 42.	An Act for maintaining, repairing, and amending a Turnpike Road from Belfast to Lisburne, by Malone, and by the Falls, and Two Turnpike Roads leading from the Falls Road, by Dunrod and Castlerobin respectively, to Crumlin in the County of Antrim.
5 & 6 Will. 4. c. 2. -	An Act for making, maintaining, and repairing a Turnpike Road from the Town of Belfast to the Town of Crumlin in the County of Antrim.
9 Geo. 4. c. 121. -	An Act for repairing and maintaining a Turnpike Road from Belfast to Antrim, and from Belfast to the Copeland Water.

SCHEDULE (B.)

Form of Mortgage.

Mortgage No. .

I, A.B., the undersigned "Turnpikes Abolition Commissioner," acting in execution of the "Turnpikes Abolition Act, (Ireland), 1857," do hereby certify, That the Sum of . Pounds, with Interest thereon from the *Fifth Day of January One thousand eight hundred and fifty-eight*, at the Rate of Pounds per Centum per Annum till paid, has been ascertained by my Award, made in pursuance of the said Act, to be payable in the Manner in said Award specified by the Grand Jury of the County of to C.D., his Executors, Administrators, and Assigns, in respect of certain Mortgages [or, a certain Mortgage] in said Award specified; and I hereby direct that Interest at the Rate of Pounds per Centum per Annum from the *Fifth Day of January One thousand eight hundred and fifty-eight* on the said Sum of Pounds shall be paid by the Treasurer of the said County of to the said C.D., his Executors, Administrators, and Assigns, till the said Principal Sum shall have been paid.

In witness whereof I, the said Commissioner, have hereunto set my Hand and Seal, this Day of

A.B. (s.)

SCHEDULE (C.)

Form of Transfer of Mortgage.

I, A. B., of , in consideration of the Sum of Pounds paid to me by C. D. of , do hereby transfer to the said C. D., his Executors, Administrators, and Assigns, a certain Mortgage Number bearing Date the Day of , and made by the Turnpikes Abolition Commissioner for charging and securing the Sum of Pounds and Interest thereon from the *Fifth Day of January One thousand eight hundred and fifty-eight* at the Rate of Pounds per Centum per Annum, upon the County of [or, upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Money thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A. B. (s.)

SCHEDULE (D.)

Form of Security for Annuity.

Annuity No. .

I, A.B., the undersigned Turnpikes Abolition Commissioner, acting in execution of "The Turnpikes Abolition Act, (Ireland), 1857," do hereby certify, That the annual Sum of Pounds has been ascertained by my Award, made in pursuance of the said Act, to be payable for in the Manner in the said Award specified, by the Grand Jury of the County of to C.D., his Heirs and Assigns, in respect of certain Rents in the said award specified; and I hereby direct that the said annual Sum of Pounds shall be paid by the Treasurer of the said County of to the said C.D., his Heirs and Assigns, by Two even and equal half-yearly Payments on every Day of and Day of in every Year, the First Payment thereof to be made on the Day of next after the Date hereof.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHE-

SCHEDULE (E.)

Form of Transfer of Annuity.

I, A.B., of in consideration of the Sum of paid to me by C.D. of , do hereby transfer to the said C.D., his Heirs and Assigns, a certain Annuity of Pounds, the Certificate of which is Number , and bears Date the Day of , and was executed by the Turnpikes Abolition Commissioner for charging and securing the said Annuity of Pounds upon the County of [or upon the Barony or Baronies of in the County of], and all my Property, Right, and Interest in and to the Annuity thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of .

A.B. (s.)

SCHEDULE (F.)

County of to wit. } Whereas the Turnpikes Abolition Commissioner, acting in execution of the "Turnpikes Abolition Act, Ireland, 1857," has, by his Certificate bearing Date the Day of , duly certified to the Grand Jury of the County of that the Sum of Pounds has, under the Provisions of the said Act, been apportioned upon the said County and the Baronies thereof [or, upon the Barony or Baronies of in the County of], as in the said Certificate mentioned.

Now, we, the Grand Jury of the said County of duly assembled and sworn at the Assizes held at in and for the said County on the Day of , pursuant to the Powers to us in that Behalf given by the "Turnpikes Abolition Act, Ireland, 1857," do present the Sum of Pounds, in order to enable us to borrow the said Sum from any Person willing to advance the same, and in order to repay the said Sum we do present that the said Sum do be raised and levied as follows:

by half-yearly Instalments of each, the first of said Instalments to be raised after the present Assizes, and the remaining Instalments after the next and each and every successive Assizes until the whole of the said Sum shall be

 raised

raised and discharged; and further, in pursuance of the Powers in said Act contained, we do present the Sum of Pounds, to be paid upon the to pay the annual Interest of the said Sum of Pounds, or of such Part of the same as shall from Time to Time remain due, at such Rate, not exceeding Pounds per Cent., as may be agreed on, and we present the said Sum of Pounds to be raised half-yearly in such Sums as may be from Time to Time required to satisfy the Interests of so much of the said Principal Sum as shall be and remain due after the Application of the Sums presented to be levied for its Satisfaction, One of such Sums or Instalments to be raised after the present and every future Assize, and the other after the next and every future Assizes in the next and each succeeding Year, until such Principal Sum shall have been paid as aforesaid.

And we nominate and appoint to treat and agree and contract for a Loan with any Person willing to make the same on the Security of this Presentment, and for the Rate of Interest which shall be paid on such Loan, and otherwise to carry this Presentment into effect.

Turnpike Trusts Abolition (Ireland).

A

BILL

To discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto.

(Prepared and brought in by Mr. Attorney-General for Ireland and Mr. Massey.)

Ordered, by The House of Commons, *to be Printed,* 29 *May* 1857.

[Bill 39.]

Under 3 oz.

11 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

WHEREAS, in pursuance of an Act of the Fifteenth Year of Her Majesty, to "facilitate Arrangements for the "Relief of Turnpike Trusts, and to make certain Pro- "visions respecting Exemptions from Tolls," certain Provisional Orders have been made by the Right Honourable Sir George Grey, One of Her Majesty's Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing in certain Cases the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the London Gazette, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Days up to which the Interest and Arrears of Interest on

Preamble. 14 & 15 Vict. c. 38.

on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 5

Provisional Orders confirmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament. 10

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1856.		£ s. d.		
15 May	7 G. 4. c. 80., "An Act for making and maintaining a Turnpike Road from a Place called Coxbridge, near Farnham in the County of Surrey, to Ramshill near Petersfield in the County of Southampton" - - -	5,050 0 0	1*d.* per Cent.	30 Jan. 1856.
15 May	4 G. 4. c. 63., "An Act for repairing and widening the Road from Rugby in the County of Warwick, to the Turnpike Road from Lutterworth to Market Harborough, in the Counties of Leicester and Northampton" - - - -	1,119 3 4	3*l.* 10*s.* per Cent.	31 Dec. 1855.
23 Oct.	54 G. 3. c. 51., "An Act for amending, widening, and keeping in repair the Road leading from Sturry Street to Herne Bay in the County of Kent" - - -	2,600 0 0	3*l.* per Cent.	No Arrears extinguished.
28 Oct.	11 G. 4. c. 19., "An Act for more effectually repairing and improving the Roads from the Town of Malmesbury to Copped Hall Turnpike, Sutton Benger Church, and Dauntsey Gate, in the County of Wilts -	7,560 0 0	4*l.* per Cent.	31 Dec. 1854.
3 Nov.	3 G. 4. c. 39., "An Act for continuing the Term and altering and enlarging the Powers of an Act of the Forty-second Year of the Reign of His late Majesty King George the Third, for repairing and improving the Road leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty as relates to the Toll Gate and to the Tolls payable by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road." So far as the same relates to the Second District of Roads	4,300 0 0	2*l.* per Cent.	31 Dec. 1854.
3 Nov.	6 G. 4. c. 27., "An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster, and for making and maintaining several new Branches to communicate therewith" -	8,013 10 0	4*l.* per Cent.	No Arrears extinguished.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt. £ s. d.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1856. 14 Nov.	5 G. 4. c. 30., "An Act for repairing, improving, "and maintaining several Roads leading to "and from Cerne Abbas in the County of "Dorset" - - - -	4,264 3 4	2*l.* 10*s.* per Cent.	29 Sept. 1855.
18 Nov.	9 G. 4. c. 32., "An Act for more effectually "amending, widening, and keeping in repair "Two several Districts of Road leading from "High Bridges to Uttoxeter, and from the "Newcastle Road at Spath, near Uttoxeter, "to the Leek Road at or near Hanging "Bridge in the County of Stafford." So far as the same relates to the First or High Bridges and Uttoxeter District of Road -	2,500 0 0	2*l.* per Cent.	No Arrears extinguished.
18 Nov.	3 G. 4. c. 68., "An Act for more effectually "repairing the South District of the Road "from Royston in the County of Hertford to "Wandesford Bridge in the County of Hunt-"ingdon" - - - -	2,400 0 0	2*l.* 10*s.* per Cent.	3 April 1856.
3 Dec.	9 G. 4. c. 101., "An Act to alter, amend, and "enlarge the Powers and Provisions of an "Act for making a Turnpike Road from "Wells-next-the-Sea to Fakenham in the "County of Norfolk, and other Roads con-"nected therewith" - - -	9,600 0 0	2*l.* per Cent.	No Arrears extinguished.
15 Dec.	53 G. 3. c. 133., "An Act for enlarging the "Term and Powers of an Act of His present "Majesty, for repairing the Road from the "Neat Enstone and Chipping Norton Turn-"pike Road, through Bicester, to Weston-on-"the-Green, in the County of Oxford, and "for making a new Branch of Road to com-"municate therewith - - -	4,577 0 0	3*l.* per Cent.	31 Dec. 1856.
1857. 29 Jan.	55 G. 3. c 48., "An Act for repairing the Road "from Sutton in the County of Surrey, "through the Borough of Reigate, by Sidlow "Mill, to Povey Cross, and several other "Roads therein mentioned, in the same "County" - - - -	14,180 0 0	2*l.* per Cent.	25 Dec. 1856.
23 April	2 W. 4. c. 60., "An Act for more effectually "repairing and improving the Road from Con-"way to Pwllheli, and other Roads therein "mentioned, in the Counties of Carnarvon "and Denbigh." - - - -	17,358 10 0	4*l.* per Cent.	No Arrears extinguished.

Turnpike Trusts Arrangements.

A

BILL

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1857.

[Bill 60.]

Under 1 *oz.*

11 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Repeal the Vaccination Act, 1853.

WHEREAS an Act was passed in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act "further to extend and make compulsory the Practice of "Vaccination:" And whereas it is inexpedient to enforce the Provisions of the said Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 16 & 17 Vict. c. 100.

I. The said herein-before recited Act shall be and the same is hereby repealed.

Recited Act repealed.

Vaccination.

A

BILL

To repeal the Vaccination Act, 1853.

(Prepared and brought in by Mr. Thomas Duncombe, Mr. Coningham, and Mr. Barrow.)

Ordered, by The House of Commons, *to be Printed* 11 *June* 1857.

[Bill 59.]

Under 1 *oz.*

15 *July* 1857. 20 & 21 Vict.

(Scotland.)

A

BILL

TO

Amend the Act, Seventeenth and Eighteenth of Victoria, for the Valuation of Lands in Scotland.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, for the Valuation of Lands and Heritages in Scotland, and it is expedient to amend the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 17 & 18 Vict. c. 91.

I. It shall be lawful for the Commissioners of Supply of each County and the Magistrates of each Burgh in Scotland respectively, if they shall think fit, to appoint the Officer or Officers of Inland Revenue, having the Survey of the Income Tax and Assessed Taxes within such County or Burgh, to be the Assessors or Assessor for the Purpose of the said Act; and such Officer or Officers when so appointed shall in all respects and for all the Purposes aforesaid stand in the Place of and shall have, use, exercise, and perform all the Powers and Duties of the Person or Persons whom the said Commissioners and Magistrates respectively are authorized to appoint

Commissioners of Supply and Magistrates may appoint Officers of Inland Revenue to be Assessors.

appoint for the like Purposes, under or by virtue of the Third Section of the said Act; and in such Case the Expense attending the making up of Valuation Rolls by such Officer or Officers shall be defrayed by the Commissioners of Inland Revenue, or as the Commissioners of Her Majesty's Treasury shall direct in that Behalf. 5

Persons charged may appeal.

Officer of Inland Revenue or Appellant, if dissatisfied with Decision of Commissioners or Magistrates, may demand a Case for the Opinion of the Judges.

II. All Persons entitled to appeal against Valuations made by the Assessors appointed under the said Act shall also be entitled to appeal, under and subject to the like Rules and Regulations, against the Valuations to be made by such Officer or Officers of Inland Revenue appointed as aforesaid under this Act; and if upon any 10 such Appeal any Officer of Inland Revenue or the Person appealing shall apprehend the Determination of the said Commissioners or Magistrates hearing such Appeal to be contrary to the true Intent of the said Act, and shall then declare himself dissatisfied with such Determination, it shall be lawful for such Officer or Appellant respec- 15 tively to require the said Commissioners or Magistrates to state specially and to sign the Case upon which the Question arose, together with the Determination thereupon, and to transmit such Case to the Commissioners of Inland Revenue, to the end that the same may be submitted to the Two Senior Lords Ordinary in the 20 Court of Session, for their Opinion thereon; and such Judges to whom such Case may be submitted shall with all convenient Speed give and subscribe their Opinion thereon, and according to such Opinion the Valuation or Assessment which shall have been the Cause of the Appeal shall be altered or confirmed. 25

If Commissioners or Magistrates do not appoint Officers of Inland Revenue to be Assessors, Valuations not to be available against Assessments of Inland Revenue Duties.

III. Provided always, That if in any County or Burgh the said Commissioners or Magistrates shall not appoint the Officers of Inland Revenue to be such Assessors as aforesaid, then no Valuation made under the said Act by any other Assessor or Assessors shall be used or be available against or for the Purpose of reducing, on 30 Appeal or otherwise, any Assessment, Rate, or Charge under any Act of Parliament relating to the Duties of Excise, or the Land Tax or Assessed Taxes, or Income Tax, or any other Duties, Rates, or Taxes under the Care or Management of the Commissioners of Inland Revenue. 35

Valuation of Lands (Scotland) Act Amendment.

A

BILL

To amend the Act, Seventeenth and Eighteenth of Victoria, for the Valuation of Lands in Scotland.

(Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 123.]

Under 1 *oz.*

18 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Amend the Laws relating to Uniformity in Weights and Measures.

WHEREAS many Abuses exist for Want of Uniformity in Weights and Measures, and the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, are insufficient for securing the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. No Person shall sell or offer for Sale, or cause to be sold or offered for Sale, any Article by any Weight other than one of the Imperial Standard Weights Avoirdupois, or some Multiple or some aliquot Part thereof, or by any Measure of Capacity other than one of the Imperial Standard Measures, or some Multiple or some aliquot Part thereof; and no Person, on or for the Purpose of any such Sale, shall weigh or measure any such Article otherwise than by Weights or Measures duly stamped and authorized by Law; and any Person who shall sell or offer for Sale, or cause to be sold or offered for Sale, any Article by any customary or local or other Weight or Measure, No Article to be sold by any other than the Imperial Standard Weight or Measure, or some aliquot Part thereof.

 except

except such Imperial Standard Weights Avoirdupois, or Imperial Standard Measures of Capacity, or who shall weigh or measure any Article upon or for the Purposes of a Sale, contrary to the Provisions of this Act, shall for every such Offence, upon Conviction in manner provided by the said Act of the Fifth and Sixth Years of King William the Fourth, forfeit and pay a Sum not exceeding *Five Pounds*. 5

Act not to apply to Gold, &c.

II. Nothing in this Act contained shall prevent the selling, offering, or exposing for Sale, or causing to be sold, offered, or exposed for Sale, Gold, Silver, Platina, Diamonds, or other precious Stones by Troy Weight, or Drugs retail by Apothecaries Weight, or Fruit or Vegetable by or with any local or customary Weight or Measure. 10

Goods sold to be net Weight, subject to Tare or other Trade Allowance.

III. All Goods sold by or with the Imperial Weight or Measure shall be net Weight or Measure, subject to Tare, Tret, or other Trade Allowance, and all Bargains, Sales, and Contracts made or entered into contrary to the Provisions of this Act, or the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty, King William the Fourth, intituled "An Act to repeal an Act of the "Fourth and Fifth Years of His present Majesty, relating to Weights "and Measures, and to make other Provisions instead thereof," shall be null and void. 15 20

Model of Imperial Standard Weights and Measures to be verified by Comptroller General.

IV. No Model or Copy of the Imperial Standard Weights or Measures shall be deemed legal, or be used for the Purpose of enforcing the Provisions of this Act or the said recited Act, unless re-verified by the Comptroller General or some other Officer of the Exchequer duly authorized *once* in every Third Year. 25

Clerk of public Market to provide proper Weights, Scales, and Measures;

V. Every Clerk of any public Market where Goods are exposed for Sale shall provide proper Weights, Scales, and Measures, or other Machines, for the Purpose of weighing or measuring all Goods sold, offered, or exposed for Sale in any such Market, and which he may be called upon to weigh or measure, and shall deposit the same at the Office of the Clerk of every such Market; and such Clerk is hereby authorized and required to have the Accuracy of all such Weights, Scales, and Measures, or other Machines, tested *once* in every Year by the County Inspector of Weights and Measures of and for the County or District where any such Market is situated, and all Expenses attending the Purchase thereof and for adjusting the same shall be paid out of the Monies collected for Tolls in any such Market. 30 35

5 & 6 W. 4 c. 63. and this Act to

VI. This Act shall be construed and taken together with the Act passed in the Fifth and Sixth Years of the Reign of King William the 40

the Fourth, Chapter Sixty-three, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending, or which may be commenced previous to this
5 Act coming into operation.

be construed together.

Weights and Measures.

A

BILL

To amend the Laws relating to Uniformity in Weights and Measures.

(Prepared and brought in by Mr. Adderley, Mr. Child, and Mr. Bass.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1857.

[Bill 69.]

Under 1 *oz.*

15 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Amend the Law relating to the Wills, and to the granting of Administration of the Personal Estate, of British Subjects resident or domiciled elsewhere than in England.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Every Will, Codicil, or other Testamentary Paper executed and attested according to the Law of England for the Time being by any British Subject shall be valid and effectual, and admitted to Probate, notwithstanding such Subject shall at the Time of his Death or at any other Time be or have been resident or domiciled elsewhere than in England, and shall operate in all respects as if such Subject had died domiciled in England.

Wills of British Subjects to be valid, although such Subject may have been resident or domiciled abroad.

II. Administration of the Goods of British Subjects dying intestate shall be granted to the Persons entitled to the same by the Law of England

Administration of the Goods of British Sub-

jects dying intestate to be granted, although such Subjects may have been resident or domiciled abroad.

England for the Time being, notwithstanding such Subjects shall at the Time of their Deaths or at any other Time be or have been resident or domiciled elsewhere than in England, in like Manner as if such Subjects had died domiciled in England.

Act not to apply to Wills, &c. of Persons who shall be dead at the passing thereof.

III. This Act shall not apply to any Will, Codicil, or Testamentary Paper, or to the Grant of Administration of the Goods, of any Person who shall be dead at the Time of the passing thereof. 5

Act not to apply to Scotland.

IV. This Act shall not apply to Scotland.

Wills, &c. of British Subjects abroad.

A

BILL

To amend the Law relating to the Wills, and to the granting of Administration of the Personal Estate, of British Subjects resident or domiciled elsewhere than in England.

(Prepared and brought in by Sir FitzRoy Kelly, Mr. Malins, and Lord Stanley.)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1857.

[Bill 66.]

Under 1 *oz.*

28 *July* 1857. 20 Vict. (Sess. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Wills, and to the granting of Administration of the Personal Estate, of British Subjects resident or domiciled elsewhere than in the United Kingdom.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Wills of British Subjects to be valid, although such Subject may have been resident or domiciled abroad.

I. Every Will, Codicil, or other Testamentary Paper by any British Subject shall be valid and effectual, and admitted to Probate, or, in Scotland, to Confirmation, if made and executed according to the Law for the Time being of England or Ireland respectively, and in the Case of a Native of Scotland, according to the Law of Scotland, notwithstanding such Subject shall at the Time of his Death or at any other Time be or have been resident or domiciled elsewhere than in the United Kingdom, and shall operate in all respects throughout Her Majesty's Dominions as if such Subject had died domiciled in the United Kingdom.

II. Admi-

Administration of the Goods of British Subjects dying intestate to be granted, although such Subjects may have been resident or domiciled abroad.

II. Administration of the Goods of British Subjects dying intestate shall be granted to the Persons entitled to the same by the Law of England and Scotland for the Time being respectively, notwithstanding such Subjects shall at the Time of their Deaths or at any other Time be or have been resident or domiciled elsewhere than in the United Kingdom, in like Manner as if such Subjects had died domiciled in the United Kingdom. 5

Act not to apply to Wills, &c. of Persons who shall be dead at the passing thereof.

III. This Act shall not apply to any Will, Codicil, or Testamentary Paper, or to the Grant of Administration of the Goods, of any Person who shall be dead at the Time of the passing thereof. 10

Wills, &c. of British Subjects abroad.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Wills, and to the granting of Administration of the Personal Estate, of British Subjects resident or domiciled elsewhere than in the United Kingdom.

(Prepared and brought in by Sir FitzRoy Kelly, Mr. Malins, and Lord Stanley.)

Ordered, by The House of Commons, *to be Printed,* 28 *July* 1857.

[Bill 165.]

Under 1 *oz.*

ARRANGEMENT

OF

THE PAPERS

PRINTED BY ORDER

OF

THE HOUSE OF COMMONS,

AND OF

THE PAPERS PRESENTED BY COMMAND,

Session 1857—Sess. 2,

17th Parliament.——1st Session.——20° & 21° Victoria.

IN FORTY-FIVE VOLUMES.

WITH

A LIST OF PAPERS AND ALPHABETICAL INDEX.

TOGETHER WITH

A TABLE AND INDEX TO THE PUBLIC GENERAL ACTS

PASSED IN THIS SESSION.

---

30 *April*——28 *August* 1857.

20° & 21° Vict.

ARRANGEMENT

OF

The Papers Printed by Order of the House of Commons,

AND OF

The Papers Presented by Command,

Session 1857—Sess. 2.

FORTY-THREE VOLUMES; viz.

		Volumes.
1.—Bills, Public - - -	(Four Volumes) - - - -	I.—IV.
2.—Reports from Committees -	(Eleven Volumes) - - - -	V.—XV.
3.—Reports from Commissioners	(Nine Volumes) - - -	XVI.—XXIV.
4.—Accounts and Papers - -	(Twenty-one Volumes) - -	XXV.—XLV.

1.—BILLS, PUBLIC:—Four Volumes: I.—IV.

VOLUME

I.—(1.)—Accessories and Abettors; Adulteration of Food or Drink; Aggravated Assaults; Agricultural Statistics; Alehouse Licensing; Assessments (Scotland); Attornies and Solicitors (Colonial Courts); Banking; Bankruptcy and Insolvency (Ireland); Bankruptcy and Real Securities (Scotland); Bill Chamber (Scotland); Boundaries of Burghs Extension (Scotland); Boundaries of Land (Ireland); Burial Acts Amendment; Burial-grounds (Scotland) Act, 1855, Amendment; Burials; Caledonian and Crinan Canals; Canada and New Brunswick Boundaries; Charitable Trusts Acts Continuance; Charitable Uses; Chatham Lands, &c.; Chelsea New Bridge; Christchurch (West Hartlepool); Cinque Ports Act Amendment; Clerks of Petty Sessions (Ireland); Coinage Offences; Commons' Inclosure; Constables (Detached parts of Counties); Constabulary Force (Ireland); Conveyance of Mails by Railways; Copyright Acts Consolidation; County Cess (Ireland); County Court Judges (Falconer and Yates's Salaries); Court of Chancery (Ireland); Court of Exchequer (Ireland); Court of Session (Scotland); Crowded Dwellings Prevention; Crown, &c. Suits (Scotland); Cruelty to Animals Act Amendment; Customs; Customs and Excise; Deer, Game and Rabbits; Divorce and Matrimonial Causes; Dulwich College; Dunbar Harbour Loan (Scotland).

II.—(2.)—East Quay Wall Tax (Dublin); Ecclesiastical Commission; Ecclesiastical Corporations; Edinburgh, Canongate and Montrose Annuity Tax Abolition; Election Expenses; Election Petitions; Evidence upon Oath (House of Commons); Forgery; Fraudulent Trustees, &c.; General Board of Health; General Board of Health Continuance; Glebe Lands (Ireland); Grand Juries (Ireland) Act, 1836, Amendment; Grand Juries (Metropolitan Police District); Hanley Borough Incorporation; Highways; Illicit Distillation (Ireland); Inclosure Acts; Industrial Schools; Insurance Companies; Insurance on Lives (Abatement of Income Tax) Continuance; Joint Stock Companies; Joint Stock Companies Act Amendment; Joint Stock Companies Act (1856) Amendment; Judgments; Judgments Execution, &c.; Jurisdiction in Siam; Justices and Police Force (Dublin); Kelp Manufacture (Ireland).

1.—BILLS, PUBLIC:——*continued.*

VOLUME

III.—(3.)—Land and Assessed Taxes, &c. (Scotland) Acts Amendment; Land Tax Commissioners' Names; Larceny, &c.; Leases and Sales of Settled Estates Act Amendment; Libel; Loan Societies; Lunatics (Scotland); Malicious Injuries to Property; Markets and Fairs (Ireland); Married Women; Married Women's Reversionary Interest; Medical Profession; Medical and Surgical Sciences (Queen's University) Ireland; Metropolitan Police Stations, &c.; Militia; Militia (Ireland); Militia Ballots Suspension; Ministers' Money (Ireland); Municipal Corporations; Mutual Companies; New Zealand Government Act Amendment; New Zealand Loan Guarantee; New Zealand (Sales of Waste Lands); Oaths; Oaths Validity Act Amendment; Offences against the Person; Oxford University; Parochial Schoolmasters (Scotland); Pimlico Improvements; Police (Scotland); Portland Harbour; Princess Royal's Annuity; Prisoners' Removal.

IV.—(4.)—Probates and Letters of Administration; Probates and Letters of Administration (Ireland); Property Qualification; Protection of Female Children and Idiots; Public Charities; Public Health Act (Aldershot); Public Health Act (1848) Amendment; Public Offices Extension; Public Works (Ireland); Railway Traffic Act Amendment; Railways (Ireland); Reformatory Schools; Registration of Long Leases (Scotland); Registration of Voters; Registration of Voters (Scotland); Representative Peers (Ireland); Revising Barristers (Dublin); Sale of Beer, &c.; Sale of Corn, &c.; Sale of Obscene Books, &c. Prevention; Savings Banks; Scientific and Literary Societies; Sheep, &c. Contagious Diseases Prevention; Sites for Workhouses; Smoke Nuisance (Scotland) Abatement; Sound Dues; Summary Proceedings before Justices of the Peace; Superannuation Act Amendment; Tenant Right (Ireland); Town Bye-Laws Revision; Transportation and Penal Servitude; Trustees' Relief; Turnpike Acts Continuance; Turnpike Trusts Abolition (Ireland); Turnpike Trusts Arrangements; Vaccination; Valuation of Lands (Scotland) Act Amendment; Weights and Measures; Wills, &c. of British Subjects Abroad.

2.—REPORTS FROM COMMITTEES:——ELEVEN VOLUMES: V.—XV.

VOLUME

V.— (1.)—Elections: Bath City; Beverley; Bury St. Edmund's; Cambridge Borough.

VI.— (2.)—Elections: Drogheda; Dublin City; Falkirk; Galway Town; Lambeth.

VII.— (3.)—Elections: Maidstone; Maldon; Marlborough; Mayo.

VIII.— (4.)—Elections: Oxford City; Pontefract; Rochdale; Sligo Borough; Wareham; Great Yarmouth.

IX.— (5.)—Charitable Uses Bill, and the Roman Catholic Charities Bill; Chelsea New Bridge Bill; Committees of Supply; County and District Surveyors, &c. (Ireland); Dulwich College Bill; Ecclesiastical Corporations Bill, and the Ecclesiastical Commission, &c. Bill; Expiring Laws; Land Transport Corps; Militia Estimates; New Zealand; Oaths taken by Members; Private Bills; Public Monies; Railway and Canal Bills; Sheep, &c. Contagious Diseases Prevention Bill; Westminster Bridge.

X. Part I.—(6.—Part I.)—Bank Acts.

X. Part II.—(6.—Part II.)—Bank Acts.

XI.— (7.)—Bleaching and Dyeing Works; Rating of Mines.

XII.— (8.)—Coalwhippers Act; Duchy of Lancaster (Bertolacci's Petition); Sale of Poisons, &c. Bill.

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OF THE

PUBLIC GENERAL ACTS

Passed in the First Session of the 17th Parliament of the United Kingdom of *Great Britain* and *Ireland*.

20° & 21° VICT.—30 *April*——28 *August* 1857.

THE TABLE.

20° & 21° VICT.

Cap.		*Royal Assent.*
I.	AN ACT for the Amendment of the Cinque Ports Act - - -	26 June 1857.
II.	AN ACT to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal - - - - - - - - -	26 June 1857.
III.	AN ACT to amend the Act of the Sixteenth and Seventeeth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation - - - - - - - - - - - -	26 June 1857.
IV.	AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven - - - - - - - - - - - - -	3 July 1857.
V.	AN ACT to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives	3 July 1857.
VI.	AN ACT to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland* - - - - - -	3 July 1857.
VII.	AN ACT to revive and amend certain Acts relating to the Collection of County Cess in *Ireland*; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 & 20 Vict. c. 36 -	3 July 1857.
VIII.	AN ACT to amend the Act 17 & 18 Vict. c. 11, with a view to the Abolition of Ministers' Money in *Ireland* - - - - - -	3 July 1857.
IX.	AN Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - -	13 July 1857.
X.	AN ACT to amend the Charter of Incorporation granted to the Borough of *Hanley*, in the County of *Stafford* - - - - - -	13 July 1857.
XI.	AN ACT to amend "The Militia (*Ireland*) Act, 1854" - -	13 July 1857.
XII.	AN ACT to carry into effect a Convention between Her Majesty and the King of *Denmark* - - - - - - - - - - -	13 July 1857.
XIII.	AN ACT to facilitate the procuring of Sites for Workhouses in certain Cases - - - - - - - - - - - - -	13 July 1857.
XIV.	AN ACT to amend the Joint Stock Companies Act, 1856 -	13 July 1857.
XV.	AN ACT to amend the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland* - - - - - - - -	27 July 1857.
XVI.	AN ACT to discontinue the Toll on the Turnpike Roads now existing in *Ireland*, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto - - - - - - - - -	27 July 1857.

Cap.		Royal Assent.
XVII.	AN ACT to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in *Ireland* - - - - - - -	27 July 1857.
XVIII.	AN ACT to regulate Procedure in the Bill Chamber in *Scotland* - - - - - - - - - - - - - - -	10 August 1857.
XIX.	AN ACT to remove Doubts as to the Law of Bankruptcy and Real Securities in *Scotland* - - - - - - - - - - -	10 August 1857.
XX.	AN ACT to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales* - - - - - - - - - - - - - - -	10 August 1857.
XXI.	AN ACT to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - - - - - - -	10 August 1857.
XXII.	AN ACT to apply the Public Health Act, 1848, to the Parish of *Aldershot*, and to constitute a Local Board of Health therein - -	10 August 1857.
XXIII.	AN ACT to authorize the Commissioners of Public Works in *Ireland* to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District - - - - - - -	10 August 1857.
XXIV.	AN ACT to continue certain Turnpike Acts in *Great Britain*	10 August 1857.
XXV.	AN ACT to continue the Powers of the Commissioners under an Act of the Seventeenth and Eighteenth Years of Her Majesty, concerning the University of *Oxford* and the College of *St. Mary, Winchester*, and further to amend the said Act - - - - - - - - - -	10 August 1857.
XXVI.	AN ACT to provide for the Registration of Long Leases in *Scotland*, and Assignations thereof - - - - - - - - -	10 August 1857.
XXVII.	AN ACT to amend the Acts relating to the *Caledonian* and *Crinan* Canals, and to make further Provision for the Accommodation of the Traffic thereon - - - - - - - - - - - - - -	10 August 1857.
XXVIII.	AN ACT to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in *Scotland* -	10 August 1857.
XXIX.	AN ACT to render valid certain Marriages in *Christ Church, West Hartlepool*, in the Parish of *Stranton*, in the County of *Durham* -	10 August 1857.
XXX.	AN ACT for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of *Chatham*, in the County of *Kent*, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto - - - - - - - - - -	10 August 1857.
XXXI.	AN ACT to amend and explain the Inclosure Acts - -	10 August 1857.
XXXII.	AN ACT for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at *Portland*, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto - - - - - - - - -	10 August 1857.
XXXIII.	AN ACT to regulate certain Proceedings in relation to the Election of Representative Peers for *Ireland* - - - - - -	10 August 1857.
XXXIV.	AN ACT to explain an Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick* - - - -	10 August 1857.
XXXV.	AN ACT to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled "An Act to amend the Laws concerning the Burial of the Dead in the Metropolis," so far as relates to the City of *London* and the Liberties thereof - - - - - - - - - - - - - - -	10 August 1857.
XXXVI.	AN ACT to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts - - - - - - -	17 August 1857.
XXXVII.	AN ACT to repeal the Twenty-seventh Section of the Superannuation Act, 1834 - - - - - - - - - - - - -	17 August 1857.
XXXVIII.	AN ACT to continue the General Board of Health - -	17 August 1857.
XXXIX.	AN ACT to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in *England*, in certain Cases - - - - - - - -	17 August 1857.

Cap.	Royal Assent.
XL. AN ACT to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland*; and to constitute the Constabulary Force Officers of Customs for certain Purposes - - - - - - - - - - -	17 August 1857.
XLI. AN ACT to revive and continue an Act to amend the Laws relating to Loan Societies - - - - - - - - - -	17 August 1857
XLII. AN ACT to amend "The Burial Grounds (*Scotland*) Act, 1855" - - - - - - - - - - - - - -	17 August 1857.
XLIII. AN ACT to improve the Administration of the Law, so far as respects summary Proceedings before Justices of the Peace - - -	17 August 1857.
XLIV. AN ACT to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of *Scotland* - -	17 August 1857.
XLV. AN ACT to make further Provision for defining the Boundaries of certain Denominations of Land in *Ireland*, for public Purposes - -	17 August 1857.
XLVI. AN ACT to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - -	17 August 1857.
XLVII. AN ACT to enable Ecclesiastical Persons in *Ireland* to grant Building Leases of Glebe Lands, in certain Cases - - - - - -	17 August 1857.
XLVIII. AN ACT to make better Provision for the Care and Education of vagrant, destitute and disorderly Children, and for the Extension of Industrial Schools - - - - - - - - - - -	17 August 1857.
XLIX. AN ACT to amend the Law relating to Banking Companies -	17 August 1857.
L. AN ACT to amend the Acts concerning Municipal Corporations in *England* - - - - - - - - - - - - - -	17 August 1857.
LI. AN ACT to guarantee a Loan for the Service of *New Zealand* -	17 August 1857.
LII. AN ACT for discharging Claims of the *New Zealand* Company on the Proceeds of Sales of Waste Lands in *New Zealand* - - - -	17 August 1857.
LIII. AN ACT to amend the Act for granting a Representative Constitution to the Colony of *New Zealand* - - - - - - -	17 August 1857.
LIV. AN ACT to make better Provision for the Punishment of Frauds committed by Trustees, Bankers and other Persons entrusted with Property - - - - - - - - - - - - - -	17 August 1857.
LV. AN ACT to promote the Establishment and Extension of Reformatory Schools in *England* - - - - - - - - - - - -	25 August 1857.
LVI. AN ACT to regulate the Distribution of Business in the Court of Session in *Scotland* - - - - - - - - - - - -	25 August 1857.
LVII. AN ACT to enable Married Women to dispose of Reversionary Interests in Personal Estate - - - - - - - - - -	25 August 1857.
LVIII. AN ACT to amend the Act Seventeenth and Eighteenth of *Victoria*, for the Valuation of Lands in *Scotland* - - - - - -	25 August 1857.
LIX. AN ACT concerning the Parochial Schoolmasters in *Scotland* -	25 August 1857.
LX. AN ACT to consolidate and amend the Laws relating to Bankruptcy and Insolvency in *Ireland* - - - - - - - - -	25 August 1857.
LXI. AN ACT for granting certain Duties of Customs and Excise -	25 August 1857.
LXII. AN ACT for the Alteration and Amendment of the Laws and Duties of Customs - - - - - - - - - - - - -	25 August 1857.
LXIII. AN ACT to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of *Dunbar*, for the purpose of improving the *Victoria* Harbour of *Dunbar* - - - -	25 August 1857.
LXIV. AN ACT for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police - - - - - - - - - - -	25 August 1857.
LXV. AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - - - - - - -	25 August 1857.

Cap.		Royal Assent.
LXVI.	AN ACT for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service - - -	25 August 1857.
LXVII.	AN ACT to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace* - - - - - - -	25 August 1857.
LXVIII.	AN ACT to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of *Dublin* - - - - - - - - - - - - - -	25 August 1857.
LXIX.	AN ACT to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament - - - - - - - - - -	25 August 1857.
LXX.	AN ACT to provide for the Extension of the Boundaries of Burghs in *Scotland*, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as voters for Municipal Purposes	25 August 1857.
LXXI.	AN ACT for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in *Scotland* - - - - - - - - - - - -	25 August 1857.
LXXII.	AN ACT to render more effectual the Police in Counties and Burghs in *Scotland* - - - - - - - - - - - -	25 August 1857.
LXXIII.	AN ACT for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland* - - - - - - - - - -	25 August 1857.
LXXIV.	AN ACT to continue the Act concerning the Management of Episcopal and Capitular Estates in *England* - - - - - - -	25 August 1857.
LXXV.	AN ACT to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of *Siam* - -	25 August 1857.
LXXVI.	AN ACT further to continue, for a limited Time, the Exemption of certain Charities from the Operation of the Charitable Trusts Acts	25 August 1857.
LXXVII.	AN ACT to amend the Law relating to Probates and Letters of Administration in *England* - - - - - - - - - -	25 August 1857.
LXXVIII.	AN ACT to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, for facilitating the Winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849" -	25 August 1857.
LXXIX.	AN ACT to amend the Law relating to Probates and Letters of Administration in *Ireland* - - - - - - - - - -	25 August 1857.
LXXX.	AN ACT to amend "The Joint Stock Companies Act, 1856"	25 August 1857.
LXXXI.	AN ACT to amend the Burial Acts - - - - - -	25 August 1857.
LXXXII.	AN ACT to authorize the Embodying of the Militia - -	25 August 1857.
LXXXIII.	AN ACT for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles - - - - - -	25 August 1857.
LXXXIV.	AN ACT for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich*, in the County of *Surrey*, with certain Alterations - - - - - - - - - -	25 August 1857.
LXXXV.	AN ACT to amend the Law relating to Divorce and Matrimonial Causes in *England* - - - - - - - - - - -	28 August 1857.

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TO THE

PUBLIC GENERAL ACTS, 20° & 21° VICT., SESS. 2, 1857:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

(E.) *signifies that the* ACT *relates to*	ENGLAND (and WALES, if the subject extends so far).
(W.) - - -	WALES exclusively.
(S.) - - -	SCOTLAND.
(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
(G. B.) - -	GREAT BRITAIN.
(G. B. & I.) -	GREAT BRITAIN AND IRELAND.
(U. K.) - -	THE WHOLE OF THE UNITED KINGDOM.

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Court of Session; to regulate Procedure in the Bill Chamber - -	(S.)	18.
Courts of Scotland, to regulate the Institution of Suits in, at the Instance of the Crown and the Public Departments - - -	(S.)	44.
Courts in the Colonies; to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts in England, in certain Cases - - - - - - - - -	(U. K.)	39.
Crinan Canal, to amend the Act 11 & 12 Vict. c. 54, relating to, and to make further Provision for the Accommodation of the Traffic thereon - - - - - - - - - - - - -	(S.)	27.
Crown Suits, to regulate the Institution of Suits at the Instance of the Crown and Public Departments in the Courts of Scotland - -	(S.)	44.
Customs, for the Alteration and Amendment of the Laws and Duties of	(U. K.)	62.
——— for granting certain Duties of Customs and Excise - -	(U. K.)	61.
——— to constitute the Constabulary Force Officers of Customs in certain Cases - - - - - - - - - - - -	(I.)	40.

D.

Dead, Burial of; to amend 15 & 16 Vict. c. 85, so far as relates to the City of London, and Liberties thereof - - - - - - -	(E.)	35.
——— to amend the Burial Grounds (Scotland) Act, 1855 (18 & 19 Vict. c. 68) - - - - - - - - - - -	(S.)	42.
——— to amend the Burial Acts - - - - - -	(E.)	81.
Denmark; to carry into effect a Convention between Her Majesty and the King of Denmark [for the Redemption of the Sound Dues] -	(U. K.)	12.
Destitute Children, making better Provision for the Care and Education of - - - - - - - - - - - - -	(E.)	48.
Distribution of the Constabulary Force in Ireland, amending the Act 11 & 12 Vict. c. 72, so far as relates to - - - - - -	(I.)	17.
Divorce, to amend the Law relating to - - - - - - -	(E.)	85.
Distillation (Illicit); to continue and amend 17 & 18 Vict. c. 89, and also the Laws for the Suppression and Prevention of Illicit Distillation - - - - - - - - - - - - -	(I.)	40.
Drainage and Navigation; enabling Commissioners of Public Works to sell Mill Sites and Water Power, notwithstanding Final Award -	(I.)	23.
Dublin, to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of -	(I.)	68.
Dulwich College, confirming a Scheme of the Charity Commissioners for, with certain Alterations - - - - - - - - - -	(E.)	84.
Dunbar Harbour; to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the purpose of improving the Victoria Harbour of Dunbar - -	(S.)	63.

E.

East India Company; for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the Company, and for regulating, in such Service, the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service - -	(U. K.)	66.
Ecclesiastical Persons enabled to grant Building Leases of Glebe Lands, in certain cases - - - - - - - - - -	(I.)	47.
Election of Representative Peers for Ireland, to regulate certain Proceedings in relation to - - - - - - - - - -	(I.)	33.
Episcopal and Capitular Estates, to continue the Act 14 & 15 Vict. c. 104, concerning the Management of - - - - - - - -	(E.)	74.
Exchequer Chamber, to alter the Constitution and amend the Procedure of the Court of - - - - - - - - - - -	(I.)	6.
Excise; for granting certain Duties of Customs and Excise - -	(U. K.)	61.

F.

		Cap.
Falconer and Yates's Salaries; to supply an Omission in a Schedule to the Act 19 & 20 Vict. c. 108, to amend the Acts relating to County Courts - - - - - - - - - - - - -	(E.)	36.
Frauds committed by Trustees, Bankers, and other Persons intrusted with Property, to make better Provision for the Punishment of -	(E. & I.)	54.
Furnaces, for the Abatement of the Nuisance arising from the Smoke of	(S.)	73.

G.

General Board of Health, to continue - - - - - - -	(E.)	38.
——————— to apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein - - - - - - - - - - - - -	(E.)	22.
Glebe Lands, to enable Ecclesiastical Persons to grant Building Leases of, in certain Cases - - - - - - - - - - -	(I.)	47.
God's Gift College, Dulwich, confirming a Scheme of the Charity Commissioners for, with certain Alterations - - - - - -	(E.)	84.
Grand Juries, to amend 6 & 7 W. 4, c. 116, for consolidating and amending the Laws relating to the Presentment of Public Money by - - - - - - - - - - - - - -	(I.)	15.

H.

Hanley Borough Incorporation; to amend the Charter of Incorporation granted to the Borough of Hanley (Stafford) - - -	(E.)	10.
Harbour of Refuge at Portland, enabling the Commissioners of the Admiralty to supply Water for the Use of Vessels resorting to -	(E.)	32.
Hartlepool; to render valid certain Marriages in Christ Church, West Hartlepool (Durham) - - - - - - - - - - -	(E.)	29.
Heritable Securities; to remove Doubts as to the Law of Real Securities	(S.)	19.

I.

Illicit Distillation; to continue and amend the Act 17 & 18 Vict. c. 89, [for Sale of Spirits], and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland - - - - - -	(I.)	40.
Inclosure of Lands; to authorise the Inclosure of certain Lands, in pursuance of a Special Report of the Inclosure Commissioners for England and Wales - - - - - - - - - - - -	(E.)	20.
——————— to explain and amend - - - - - -	(E.)	31.
Income Tax; to continue the Act 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of, in respect of Insurance on Lives - - - - - - - - - - - - -	(G. B. & I.)	5.
——————— to amend the Laws relating to the Payment of - -	(S.)	28.
Incorporation (Charter of) for the Borough of Hanley (Stafford), to confirm - - - - - - - - - - - - -	(E.)	10.
Industrial Schools, for the Extension of - - - - - - -	(E.)	48.
Insolvency; to consolidate and amend the Laws relating to Bankruptcy and Insolvency - - - - - - - - - - -	(I.)	60.
Insurance on Lives, to continue 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of - - - - - - - - - - - - -	(G. B. & I.)	5.

J.

Joint Stock Companies; to amend 7 & 8 Vict. c. 111, for facilitating the winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849" - - - - - -	(G. B. & I.)	78.

		Cap.
Joint Stock Companies; to amend the Joint Stock Companies Act, 1856 (19 & 20 Vict. c. 47) - - - - - - - - -	(E.) (E.)	14. 80.
——— to amend the Law relating to Banking Companies - - - - - - - - - - - -	(G. B. & I.)	49.
Judges of County Courts (Falconer and Yates's Salaries); to supply an Omission in a Schedule to the Act 19 & 20 Vict. c. 108, relating to County Courts - - - - - - - - - -	(E.)	36.
Jurisdiction in Siam, confirming an Order in Council concerning the Exercise of - - - - - - - - - - - -	(U. K.)	75.
Justices of the Peace, to improve the Administration of the Law, so far as respects Summary Proceedings - - - - - - -	(E. & I.)	43.

L.

Lands; to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Commissioners for England and Wales - -	(E.)	20.
——— to amend and explain the Inclosure Acts - - - - -	(E.)	31.
——— to make further Provision for defining the Boundaries of certain Denominations of Lands for Public Purposes [Ordnance Survey]	(I.)	45.
——— to amend the Act 17 & 18 Vict. c. 91, for the Valuation of Lands - - - - - - - - - - - - -	(S.)	58.
Land Tax; to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes - - -	(E.)	46.
——— to amend the Laws relating to the Payment of the Land and Assessed Taxes - - - - - - - - - - -	(S.)	28.
Leases; to provide for the Registration of Long Leases and Assignations thereof - - - - - - - - - - - -	(S.)	26.
Letters of Administration, to amend the Laws relating to - - -	(E.) (I.)	77. 79.
Life Insurance; to continue the Act 16 & 17 Vict. c. 91, for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives - - - - - - - - -	(G. B. & I.)	5.
Loan; to guarantee a Loan for the Service of New Zealand - -	(U. K.)	51.
Loan Societies, to revive and continue 3 & 4 Vict. c. 110, to amend the Laws relating to - - - - - - - - - - -	(E.)	41.
Local Board of Health, to constitute, for the Parish of Aldershot -	(E.)	22.
London; to amend 15 & 16 Vict. c. 85, concerning the Burial of the Dead in the Metropolis, so far as relates to the City of London and the Liberties thereof - - - - - - - - - -	(E.)	35.
Lunatics, for the Regulation, Care and Treatment of, and for the Provision, Maintenance and Regulation of Lunatic Asylums - -	(S.)	71.
Long Leases, to provide for the Registration of - - - -	(S.)	26.

M.

Marriages in Christ Church, West Hartlepool, to render valid - -	(E.)	29.
Married Women enabled to dispose of Reversionary Interests in Personal Estate - - - - - - - - - - - - -	(E. & I.)	57.
Matrimonial Causes, to amend the Law relating to - - - -	(E.)	85.
Metropolitan Police; for raising a Sum of Money for building and improving Stations, and to amend the Acts concerning the Metropolitan Police - - - - - - - - - - - -	(E.)	64.
Militia; to authorize the embodying of the Militia - - - -	(G. B. & I.)	82.
——— to amend the Militia (Ireland) Act, 1854 (17 & 18 Vict. c. 107)	(I.)	11.
Militia Ballots Suspension; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - -	(G. B. & I.)	21.
Militia Pay; to defray the Charge of the Pay, Clothing, &c. of the disembodied Militia in Great Britain and Ireland; to grant Allowances in certain cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers - - -	(G. B. & I.)	65.

		Cap.
Mill Sites and Water Power in Drainage or Navigation Districts to enable the Commissioners of Public Works in Ireland to sell, notwithstanding Final Award - - - - - - - - - -	(I.)	23.
Ministers' Money, to amend the Act 17 & 18 Vict. c. 11, with a view to the Abolition of - - - - - - - - - - - -	(I.)	8.
Municipal Corporations, to amend the Acts concerning - - -	(E.)	50.
Mutiny (East India); for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating, in such Service, the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service - - - - - - - - - - - - -	(U.K.)	66.

N.

Navigation and Water Power; authorizing Commissioners of Public Works to sell Mill Sites and Water Power, notwithstanding Final Award - - - - - - - - - - - - -	(I.)	23.
New Brunswick; to explain 14 & 15 Vict. c. 63, for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick - - - - - - - - - - - - -	(U.K.)	34.
New Zealand, to guarantee a Loan for the Service of - - -	(U.K.)	51.
——— to amend the Act 15 & 16 Vict. c. 72, for granting a Representative Constitution to the Colony - - - - - -	(U.K.)	53.
——— for discharging Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands - - - - - - -	(U.K.)	52.
Nuisance arising from the Smoke of Furnaces, for the Abatement of -	(S.)	73.

O.

Obscene Books, Pictures, Prints and other Articles, for more effectually preventing the Sale of - - - - - - - - -	(E.)	83.
Ordnance Survey; to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for Public Purposes - - - - - - - - - - - - - -	(I.)	45.
Oxford University, to continue the Powers of the Commissioners under 17 & 18 Vict. c. 81, concerning, and further to amend the said Act	(E.)	25.

P.

Parochial Schoolmasters, to regulate the Salaries of - - - - -	(S.)	59.
Peers (Representative) for Ireland, to regulate certain Proceedings in relation to the Election of - - - - - - - - - -	(I.)	33.
Penal Servitude; to amend the Act 16 & 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation - -	(U.K.)	3.
Personal Estate, to enable Married Women to dispose of Reversionary Interests in - - - - - - - - - - - - -	(E. & I.)	57.
Pictures, Prints, &c.; for more effectually preventing the Sale of Obscene Books, Pictures, Prints, &c. - - - - - - - -	(E.)	83.
Pimlico Improvements, to extend the Time for enabling the Commissioners of Her Majesty's Works to complete - - - - -	(E.)	67.
Police; to render more effectual the Police in Counties and Burghs -	(S.)	72.
——— for raising a Sum of Money for building and improving Stations, and to amend the Acts concerning the Metropolitan Police - - -	(E.)	64.
——— to constitute the Constabulary Force Officers of Customs in certain Cases - - - - - - - - - - - - -	(I.)	40.
——— to amend 11 & 12 Vict. c. 72, so far as relates to the Distribution of - - - - - - - - - - - - - -	(I.)	17.

		Cap.
Police; to provide for the Appointment of Collectors to levy the Expenses of additional Constabulary - - - - - - -	(I.)	7.
Poor; to facilitate the procuring of Sites for Workhouses in certain Cases - - - - - - - - - - - - - - -	(E.)	13.
Portland Harbour; for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and enabling the Commissioners of the Admiralty to supply such Water, and for vesting in them certain Lands belonging to Her Majesty - -	(E.)	32.
Presentments (Grand Jury); to amend 6 & 7 Will. 4, c. 116, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries - - - - - - - - -	(I.)	15.
Princess Royal; to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal - - - - - - - -	(U. K.)	2.
Probates and Letters of Administration, to amend the Law relating to	(E.) (I.)	77. 79.
Procedure in the Court of Exchequer Chamber, to amend the - -	(I.)	6.
——— in the Bill Chamber, to regulate - - - - - -	(S.)	18.
——— to improve the Administration of the Law so far as respects Summary Proceedings before Justices of the Peace - - -	(E. & I.)	43.
Property and Income Tax, to amend the Laws relating to the Payment of - - - - - - - - - - - - - -	(S.)	28.
Provisional Orders for Relief of Turnpike Trusts, to confirm certain -	(E.)	9.
Public Health; to apply the Public Health Act, 1848, to the Parish of Aldershot - - - - - - - - - - - - -	(E.)	22.
——— to continue the General Board of Health - - -	(E.)	38.
Public Prosecutions; to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland - - - - - - - - - - - - - -	(S.)	44.
Public Roads in Ireland; to discontinue the taking of Toll on Turnpike Roads in Ireland, and for maintaining such Roads as public Roads - - - - - - - - - - - - - -	(I.)	16.
Public Works in Ireland, to authorize the Commissioners of, to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District - - - - - - - - -	(I.)	23.
Public Works and Buildings; to extend the Time for enabling the Commissioners of, to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace - - - - - -	(E.)	67.
Punishment in lieu of Transportation; amending 16 & 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of Transportation - - - - - - - - - - - - - -	(U. K.)	3.

Q.

Queen; to carry into effect a Convention between Her Majesty and the King of Denmark (for the Redemption of the Sound Dues) -	(U. K.)	12.
——— to enable Her Majesty to settle an Annuity on the Princess Royal - - - - - - - - - - - - - -	(U. K.)	2.

R.

Real Securities, to remove Doubts as to the Law of - - - - -	(S.)	19.
Redemption of the Sound Dues, to carry into effect a Convention between Her Majesty and the King of Denmark, for - - -	(U. K.)	12.
Reformatory Schools, to promote the Establishment and Extension of -	(E.)	55.
Registration of Long Leases, and Assignations thereof, to provide for -	(S.)	26.
Relief of Turnpike Trusts, to confirm certain Provisional Orders to facilitate Arrangements for - - - - - - - - - - -	(E.)	9.
Representative Constitution for New Zealand, amending the Act 15 & 16 Vict. c. 72, for granting - - - - - - - - -	(U. K.)	53.

		Cap.
Representative Peers for Ireland, to regulate certain Proceedings relating to the Election of - - - - - - - - - -	(I.)	33.
Reversionary Interests in Personal Estate, to enable Married Women to dispose of - - - - - - - - - - - -	(E. & I.)	57.
Revising Barristers, enabling the Lord Lieutenant to appoint, for the Revision of Lists and Registry of Voters for the City of Dublin -	(I.)	68.
Roman Catholic Charities; to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts - -	(E.)	76.

S.

Sale of Obscene Books, for more effectually preventing - - -	(E.)	83.
Sale of Waste Lands; for discharging Claims of the New Zealand Company on - - - - - - - - - - - -	(U. K.)	52.
Schoolmasters (Parochial), to regulate the Salaries of - - -	(S.)	59.
Schools; for the Extension of Industrial Schools - - - - -	(E.)	48.
——— to promote the Establishment and Extension of Reformatory Schools - - - - - - - - - - - - -	(E.)	55.
Securities (Real), to remove Doubts as to the Law of - - -	(S.)	19.
Session (Court of), to regulate the Distribution of Business in - -	(S.)	56.
——— to regulate Procedure in the Bill Chamber - -	(S.)	18.
Siam, to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of - - - -	(U. K.)	75.
Sites for Workhouses, to facilitate the procuring, in certain Cases -	(E.)	13.
Smoke of Furnaces, for the Abatement of the Nuisance arising from -	(S.)	73.
Solicitors of Colonial Courts, to regulate the Admission of, in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases - - - - - - - - - - - - -	(U. K.)	39.
Sound Dues; to carry into effect a Convention between Her Majesty and the King of Denmark [for the Redemption of the Sound Dues]	(U. K.)	12.
Stranton (Durham), to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of - - - - - - -	(E.)	29.
Suits, to regulate the Institution of, at the Instance of the Crown and the Public Departments in the Courts of Scotland - - - -	(S.)	44.
Summary Proceedings before Justices of the Peace, to improve the Administration of the Law respecting - - - - - - -	(E. & I.)	43.
Superannuation in the Civil Service; to repeal the Twenty-seventh section of the Superannuation Act, 1834 (4 & 5 W. 4. c. 24) - -	(U. K.)	37.
Supplies, Appropriation of - - - - - - - - -	(U. K.)	69.
——— to apply 8,000,000 *l.* out of the Consolidated Fund to the Service of the Year 1857 - - - - - - - - - -	(U. K.)	4.
Survey (Ordnance); to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes - - - - - - - - - - - - - -	(I.)	45.

T.

Taxes. *See* Assessed Taxes. Income Tax. Land Tax. Property Tax.		
Toll, to discontinue the taking of, on Turnpike Roads in Ireland - -	(I.)	16.
Transportation, to amend the Act 16 & 17 Vict. c. 99, to substitute in certain Cases other Punishment in lieu of - - - - - -	(U. K.)	3.
Trustees, to make better Provision for the Punishment of Frauds committed by - - - - - - - - - - - - -	(E. & I.)	54.
Turnpike Acts, to continue certain - - - - - - - - -	(G. B.)	24.

		Cap.
Turnpike Roads now existing in Ireland, to discontinue the taking of Toll on, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of Debts due thereon, and for other Purposes relating thereto - - - - - - - - - -	(I.)	16.
Turnpike Trusts, to confirm certain Provisional Orders made under 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of -	(E.)	9.

U.

University of Oxford; to continue the Powers of the Commissioners under the Act 17 & 18 Vict. c. 81, concerning the University of Oxford and the College of St. Mary, Winchester, and further to amend the said Act - - - - - - - - - - -	(E.)	25.

V.

Vagrant Children, making better Provision for the Care and Education of - - - - - - - - - - - - - -	(E.)	48.
——— to promote the Establishment and Extension of Reformatory Schools - - - - - - - - - - - -	(E.)	55.
Valuation of Lands, amending the Act 17 & 18 Vict. c. 91, for the -	(S.)	58.
Victoria Harbour of Dunbar; authorizing the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour -	(S.)	63.
Voters; to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin - - - - - - - - - - - - - -	(I.)	68.
——— to remove Doubts as to the Right of certain Persons to be registered as Voters for Municipal Purposes - - - - - -	(S.)	70.

W.

Waste Lands in New Zealand, for discharging Claims of New Zealand Company on the Proceeds of Sales of - - - - - - -	(U. K.)	52.
Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, for enabling the Commissioners of the Admiralty to supply - - - - - - - - - - - - - -	(E.)	32.
Water Power in Drainage or Navigation Districts, to enable Commissioners of Public Works to sell, notwithstanding Final Award -	(I.)	23.
West Hartlepool, to render valid certain Marriages at Christ Church, West Hartlepool, in the Parish of Stranton (Durham) - - -	(E.)	29.
Winchester (College of St. Mary), to continue the Powers of the Commissioners under 17 & 18 Vict. c. 81, concerning, and further to amend the said Act - - - - - - - - - - - -	(E.)	25.
Winding-up Acts, 1848 and 1849, amending the - - - - -	(G. B. & I.)	78.
Women; to enable Married Women to dispose of Reversionary Interests in Personal Estate - - - - - - - - - -	(E. & I.)	57.
Workhouses, to facilitate the procuring of Sites for, in certain Cases -	(E.)	13.
Works and Public Buildings, extending the Time for enabling the Commissioners of, to complete Improvements in Pimlico, and in the Neighbourhood of Buckingham Palace - - - - - -	(E.)	67.

Y.

Yates, J. St. John (County Court Judge); to supply an Omission in a Schedule to the Act 19 & 20 Vict. c. 108, to amend the Acts relating to County Courts - - - - - - - - - -	(E.)	36.